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REPORT
101-610

IN THE MATTER OF REPRESENTATIVE BARNEY FRANK

REPORT

OF THE

COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

U.S. HOUSE OF REPRESENTATIVES

JULY 20, 1990.—Referred to the House Calendar and ordered to be printed.

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U.S. House of Representatives

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Suite HT-2, U.S. Capitol
Washington, DC 20515

July 20, 1990

The Honorable Thomas J. Foley
Speaker
U. S. House of Representatives
Washington, D. C. 20515

Dear Mr. Speaker:

By direction of the Committee on Standards of Official Conduct, I hereby submit a Report entitled "In the Matter of Representative Barney Frank."

Respectfully,

Julian C. Dixon
Chairman

Enclosure

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B. January 18, 1990, Interrogatory response by Mary Jo Daugherty

C. January 16, 1990, Interrogatory response by Colonel James R. Daugherty

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E. Representative Frank's September 5, 1985, letter to Probation Office

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Mr. Dixon, of the Committee on Standards of Official Conduct, submitted the following

REPORT

I. INTRODUCTION

The Committee on Standards of Official Conduct (the "Committee") is authorized under the Rules of the House of Representatives (House Rule X, clause 4(e)(2)(B)), to investigate any alleged violation by a Member, officer, or employee of the House, of the Code of Official Conduct (House Rule XLIII). In addition, alleged violations of any law, rule, regulation, or other standard applicable to the conduct of such Member, officer, or employee, in the performance of his or her duties, or the discharge of his or her responsibilities are within the Committee's jurisdiction.

In August, 1989, the news media reported that Representative Barney Frank had engaged a male prostitute, Stephen L. Gobie, who was on probation in Virginia, and that Representative Frank subsequently established a personal and employment relationship

with Mr. Gobie. The news accounts asserted, among other things, that Mr. Gobie used Representative Frank's apartment to conduct activities involving prostitution involving third parties; that Representative Frank obtained the dismissal of a large number of parking tickets that were incurred when Mr. Gobie used the congressman's automobile; and that the congressman interceded with probation authorities on behalf of Mr. Gobie. Later news articles recounted assertions that the congressman and Mr. Gobie had engaged in sexual activity in the House gymnasium.

On September 12, 1989, the Committee adopted a Resolution of Preliminary Inquiry regarding "assertions relating to the conduct of Representative Barney Frank in connection with his employment of a personal assistant." See, Exhibit 1.

Also on September 12, 1989, Representative Atkins recused himself from participating in the subject matter. Thereafter, Representative Louis Stokes was designated to sit as a Member of the Committee in connection with this case.

As part of its investigative efforts, the Committee issued subpoenas, obtained and reviewed documents from organizations having information relevant to the matters under review, and obtained sworn testimony from the relevant witnesses during the period December 4, 1989, through May 31, 1990.

The Committee's Report focuses on four matters:

A. Use of the congressman's personal residence in Washington, D. C. for the purpose of prostitution involving third parties;

B. The congressman's contacts with individuals responsible

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for the oversight and administration of Mr. Gobie's probation;

C. The administrative dismissal of parking tickets; and

D. Sexual activity in the House gymnasium.

II. SUMMARY OF FINDINGS

Based upon the Preliminary Inquiry, the Committee concluded that:

° Notwithstanding several publicized assertions, the weight of the evidence does not indicate that Representative Frank had either prior or concomitant knowledge of prostitution activities alleged to have taken place in his apartment involving third parties.

° Notwithstanding assertions by Mr. Gobie, both the Probation Officer and the sex therapist who had a role in the administration of Mr. Gobie's probation expressly denied under oath his claim that they were pressured by Representative Frank.

° While Representative Frank did not personally send a Memorandum dated April 16, 1986, to the Commonwealth's Attorney for the City of Alexandria, Virginia, he nevertheless acknowledged that it contained misleading statements which were favorable to Mr. Gobie. The Committee believes that Representative Frank should have reasonably anticipated that the 1986 Memorandum might be communicated to law enforcement officials. The congressman set into motion a series of contacts resulting in that document being sent to the Commonwealth Attorney. As a result, the misleading

statements could be perceived as an attempt to use political influence to affect the outcome of the administration of Mr. Gobie's probation. That the Memorandum apparently had no such affect does not detract from the inappropriateness of communicating misleading statements which could have affected the administration of Mr. Gobie's probation. The Committee believes this matter warrants further action.

° The Committee concludes that Representative Frank acted improperly in connection with 33 parking tickets when he submitted certain of those tickets for dismissal or when he accepted administrative dismissal. Accordingly, the Committee directs Representative Frank to make full restitution to the District of Columbia for those parking tickets which should have been paid. The Committee believes this matter warrants further action.

° Regarding Mr. Gobie's claim that he and Representative Frank engaged in sexual activity in the House gymnasium, the Committee received no credible evidence that such activity occurred.

In view of Representative Frank's improper conduct in connection with 33 parking tickets and his preparation and issuance of the 1986 Memorandum, both of which were connected to his status as a Member of Congress, the Committee concludes that further action is appropriate. In the Committee's judgment, Representative Frank's improper conduct violated House Rule

XLIII, Clause 1, and warrants reprimand by the full House. Adoption of this Report, which the Committee recommends, will constitute imposition of this sanction as the proper disposition of all facts and matters considered by the Committee.

The details and results of the Committee's investigative efforts and recommendation are next discussed.

III. RESULTS OF INVESTIGATION

A. Alleged Use of Representative Frank's Apartment for Prostitution Involving Third Parties

1. Information Obtained

Based upon specific assertions made by Stephen L. Gobie, news articles reported that Representative Frank was aware of and allowed his personal residence in Washington, D. C. to be used by Mr. Gobie for the purpose of prostitution involving third parties. As an example, an August 25, 1989, news report stated:

> A male prostitute provided homosexual and bisexual prostitution services from the apartment of U.S. Rep. Barney Frank on Capitol Hill on a periodic basis from late 1985 through mid-1987, The Washington Times has learned.
>
> "I had reason to believe that he might be trying to do that," said Rep. Barney Frank, Massachusetts Democrat, who confirmed in an interview with The Times on Wednesday that the escort had access to his house in the 200 block of 8th Street SE.

News reports implied that Representative Frank may have used his position as a Member to facilitate the prostitution activities Mr. Gobie allegedly arranged or conducted in the congressman's residence, such as through authorizing Mr. Gobie entry to a House garage to gain access to Representative Frank's

automobile which may have been used in connection with such activities.

On December 6, 1989, the Committee deposed Stephen L. Gobie. During the course of that deposition, the Committee specifically questioned Mr. Gobie about prostitution activities involving third parties taking place at Representative Frank's personal residence in Washington, D.C.

To put Mr. Gobie's testimony in context, it is noteworthy that, during his deposition, Mr. Gobie acknowledged that the "escort" activities he conducted at Representative Frank's residence were of the same type that occasioned Mr. Gobie and Representative Frank to meet in 1985. Following are relevant extracts of the Committee's examination of Mr. Gobie on this matter:

> Q. During the period of time you had access to the Congressman's apartment, did you arrange personally for sexual activity to take place for compensation at the Congressman's apartment?
>
> A. I don't believe I have ever done that in my life. I run an escort service, sir. People have called it prostitution. My service was an escort service. I sold time with escorts on an hourly basis with a fee attached. Whatever happens, happens during those encounters. I'm not privy to that nor do I choose to be. So when you're talking about sex, I really don't know what you're talking about. I set up appointments for escorts.
>
> I don't want to get into a battle of semantics here, but there is in my business, there is as far as terminology, there is a difference between a prostitute and an escort. A professional escort is legal and legitimate employment, I believe.
>
> Q. So the answer to my question is "no"?
>
> * * *

A. Oh, I see. No sir. I arranged for escorts to meet clients. Whether there was sexual activity or not involved, that is not something I'm privy to.

Q. Was it your--

A. I run an escort service. Plain and simple.

Q. Was it your expectation that sexual activity might take place?

A. I had no -- I have no idea. It's not something that I can conclude. Like I said, I never characterized myself as a prostitute. That's been done for me.

I understand why people make, make the fine line to some people between escort and prostitute, but I went as far, gentlemen, as to have a disclaimer prepared on the telephone for potential clients in case they were trying to make an association between any type of sexual activity and money. I had a standard disclaimer to issue to clients over the phone in case they were getting that kind of impression. If they pressed me on that type activity, I suggested they use another service.

Q. Do you have any knowledge whether any of the clients that you arranged to engage your escort service in fact were involved or participated in any sexual activity at the Congressman's residence? Do you have any knowledge of that?

A. Not that I can recall at this time.

Q. Okay. Did you personally engage in any sexual activity with individuals, not Congressman Frank, at the Congressman's apartment?

A. Not that I can recall at this time.

Because Mr. Gobie was ambiguous in his response, additional questions were asked to clarify the matter. With this in mind, the following extracts of the deposition reflect the Committee's probing of the issue of prostitution at the congressman's apartment:

Q. * * * did you ever specifically tell Congressman Frank in a conversation that you were using either his telephone or his apartment for the conduct or arranging of sexual activity?

A. Not that I can recall at this time.

* * *

Q. * * * Did you arrange for clients to meet with personnel who were a part of your escort service with the expectation or anticipation that there might be sexual activity engaged in at Congressman Frank's apartment? The reason I ask that question is because you said on occasion you remade the bed notwithstanding the fact that you did not live there.

A. Yes.

Q. So --

A. I take a nap occasionally.

Q. I asked the question, did you arrange for clients to meet with your associates with the anticipation, not the expectation, but with the anticipation --

A. Not in my work.

Q. That clients of yours might engage in sexual activities with your associates? Was that a possibility of which you were aware?

A. I wasn't aware of anything --

Q. That is a yes or no question.

A. That is a no.

Q. The answer is no?

A. The answer is no.

On December 11, 1989, the Committee interviewed Representative Frank who testified under oath. During the course of the interview, the following exchange occurred:

Q. * * * do you ever recall engaging in

conversation with Mr. Gobie, a conversation in which he would have notified you or apprised you or you would have had suspicion that he was engaging in escort or prostitution activities using your apartment?

A. Absolutely not.

Q. Okay.

A. Absolutely not. Either personally or through organizing other people.

Relevant to this aspect of the Committee's Preliminary Inquiry were reported quotes attributed to Representative Frank (for example, the August 25, 1989, news report cited earlier) indicating the congressman's purported awareness of prostitution involving third parties taking place in his personal residence. In this regard, the following exchange took place during the interview of Representative Frank:

Q. * * * you stated that you had no knowledge of escort service by Mr. Gobie other than personal. Explain what you mean by other than personal, please?

A. I knew that he, or assumed, I knew when I called him that he personally was engaging in this kind of escort business. I had no idea until the first potential idea was when Mary Jo Daugherty [the congressman's landlord] told me in August of '87 that he was arranging escorts for other people.

That is what I meant by personal. I assumed it was something he personally was doing, but not that he was arranging it for other people.

Q. You say you were aware of his personal. What type of escort service was he providing personally for other people that you were aware of?

A. Not for other people. I was not aware--

Q. For himself?

A. Himself. The kind that I availed myself of

> when I responded to his ad in the paper. I did not think that I was his only customer. That is the basis.

Regarding the matter of the congressman's awareness that improper activities involving third parties might have been taking place in his personal residence, the Committee sent letters of interrogatory to Colonel and Mrs. James Daugherty who were the congressman's landlords and who, at all times relevant to the Committee's Preliminary Inquiry, lived in a residence adjoining Representative Frank's apartment. While Exhibits 2 and 3 and Appendices B and C reflect the full text of the Committee's correspondence with the Daughertys, the information provided may be summarized as follows:

- That Colonel and Mrs. Daugherty lived in the house above Representative Frank's apartment and were not absentee landlords;

- That neither Colonel nor Mrs. Daugherty had any knowledge of the specific nature of the relationship maintained by Mr. Gobie and Representative Frank;

- That Colonel and Mrs. Daugherty had no knowledge regarding how Mr. Gobie earned any income;

- That Colonel and Mrs. Daugherty had no knowledge of any of the activities that Mr. Gobie undertook for Representative Frank;

- That Mr. Gobie used Representative Frank's apartment when the congressman was not at home;

- That Colonel and Mrs. Daugherty had no direct knowledge of the frequency of any use Mr. Gobie made of Representative Frank's personal automobile;

- That Mrs. Daugherty became "concerned and suspicious" of Mr. Gobie's activities beginning in the Summer of 1987, although she did not have any "proof as to what went on there" -- she did not see any illegal activities but "only could guess";

- That upon becoming suspicious of Mr. Gobie's

activities, Mrs. Daugherty reported them to Representative Frank indicating that she did not want Mr. Gobie on her property;

° That none of the activities giving rise to Mrs. Daugherty's suspicions occurred when Representative Frank was present;

° That upon being notified by Mrs. Daugherty of her concern, Representative Frank apologized and said that he would take immediate action; and

° That Mrs. Daugherty is of the view that the assertions made by Mr. Gobie regarding use he made of Representative Frank's apartment and the congressman's knowledge thereof are "obvious lies".

Prior to responding to the interrogatories sent her by the Committee, Mrs. Daugherty had submitted on October 25, 1989, an affidavit. In that document (Appendix D), Mrs. Daugherty stated under oath that:

> None of the activities I have described occurred when Congressman Frank was present. It is my strong belief, based on my knowledge of both Congressman Frank and Mr. Gobie, that Mr. Gobie took advantage of Congressman Frank and had begun to misuse the apartment without Congressman Frank's knowledge or permission.

In light of the above, the Committee believes it is reasonable to conclude that the statement attributed to Representative Frank in the news report of August 25, 1989, above, -- "I had reason to believe that he might be trying to do that [i.e., conduct prostitution activities in my apartment]"-- does **not** represent an inconsistency in Representative Frank's statements on the matter, but rather, reflects the congressman's state of awareness subsequent to his conversation with Mrs. Daugherty in August, 1987.

Also relevant to the matter of Representative Frank's

purported knowledge of alleged prostitution activities are other assertions by Mr. Gobie. Meriting discussion are Mr. Gobie's statements that he had arranged to have calls "forwarded" to the telephone in Mr. Frank's Washington, D.C. residence in connection with the escort service which he operated -- for example, "[Representative Frank] allowed me to transfer my escort service lines to his house * * *."[1] On another occasion during Mr. Gobie's deposition, the following exchange occurred.

> Q. How long a duration did you have of, say, from the first time you forwarded calls to Mr. Frank's apartment until that date? How long was that period of time?
>
> A. Oh, we met in '85, April. The first time I forwarded the lines over was probably within six months of that, so April to six months, somewhere in that six-month period I began forwarding the lines over, and then it must have been the last half of '85 and '86 and somewhere in '87 I'm sure is when the landlord found out about what was going on.[2]
>
> * * *
>
> [Representative Frank] made the offer initially about me forwarding the lines over to his house. * * * [Representative Frank] initiated the suggestion about me actually having the service being transferred to his house and answering the lines from his house.
>
> * * *

---

[1] "Call-forwarding" is a service offered by the telephone company in which a call to one telephone number is automatically routed to another telephone number.

[2] The original transcript of Mr. Gobie's deposition used the phrase "somewhere in '86". In a follow-up conversation with Mr. Gobie, he confirmed that, either due to a transcription error or his own misstatement, the transcript should have read "somewhere in '87." Mr. Gobie also re-confirmed that the call-forwarding service was provided by the telephone company.

Q. So [Representative Frank] on his own initiative made an offer that you could forward your calls?

A. Right. I was pleading -- telling him about my woes and not being able to run my service.

The Committee inquired of Representative Frank as to his knowledge of any call-forwarding that may have involved the telephone in his personal residence. During the December 11, 1989, interview of the congressman, the following exchange took place:

Q. Did you ever have conversation with Mr. Gobie about his using your telephone or having phone calls routed to him?

A. No. Once I did because I called once from Massachusetts to get my messages and my answering machine was shut off. The next time I saw him, I said, "Hey, the answering machine was shut off. What was going on?"

He said, "I think I was cleaning and I unplugged it." Again, he was a friend whom I trusted, and now I realize quite stupidly, but that seemed plausible to me.

* * *

Q. Furthermore it is my understanding that at no time do you recall any conversation in which you may have authorized or discussed with Mr. Gobie the fact that he might use your telephone for the receipt of telephone calls?

A. To the contrary. I never specifically told him not to do that. I never told him not to set fire to the living room rug. It never occurred to me to do that. * * * I said with regard to the phone, I have to have clear access to that phone at all times to check for messages. * * *

* * *

I would call my house from time to time when I was staying at the office considerably after 6:00, say, we were in session late or I had other business. I would call my own apartment to get

> messages on my answering machine. In fact, that is the regular way I communicate with my staff after they have left if there are press calls or family calls. So they leave them on my message machine at home. So I would regularly be calling my house, but it would be to get my messages and he wouldn't be there.

However, later during the interview of the congressman, the following exchange occurred.

> Q. Was there any event that you received a phone call which apparently was for him [Gobie] and that you expressed to him some annoyance at receiving a phone call or series of phone calls for him?
>
> * * * *
>
> A. I do remember getting one call where a guy said, "Hey, some girl is supposed to meet me and where is she?" I assumed it is the wrong number. I said to him, "I got some crazy phone call. Do you know anything about it?" He said, "No." I accepted that. I thought he was a friend at the time.
>
> Subsequently, I think that was part of this -- I wasn't supposed to be there. But that was the only one.

In view of the divergent testimony received from Mr. Gobie and Representative Frank regarding the claim that escort service calls were forwarded to the congressman's personal residence, the Committee sought to obtain additional information. Specifically, the Committee requested from Mr. Gobie those telephone numbers from which he said calls were forwarded to the congressman's apartment. In a written communication to the Committee signed by Mr. Gobie on December 27, 1989, Mr. Gobie informed the Committee as follows:

> The following are phone numbers that were "call-forwarded" to: 210 8th St. SE for the purposes of operating escort services.

1.) (202) 333-3706 - Escort service: "A Touch of Class"

* * *

2.) (202) 544-0090 - Escort Service: "Saxons'"

* * *

In the light of Mr. Gobie's deposition and written statements, on February 12, 1990, the Committee issued a subpoena to the C & P Telephone Company seeking, among other things,

> Any record of call-forwarding service in 1986 or 1987 for telephone numbers (202) 333-3706 or (202) 544-0090.

By letter dated February 13, 1990, Bell Atlantic responded in writing to the Committee's subpoena. The following information was received regarding the telephone numbers in question:

(202) 333-3706

> **Mr. Gobie's assertion:** Call-forwarding service during 1986, and 1987 up until approximately August, 1987.
>
> **Bell Atlantic's records:** No records available for the year 1986. No call-forwarding service provided during 1987.

(202) 544-0090

> **Mr. Gobie's assertion:** Call-forwarding service during 1986, and 1987 up until approximately August, 1987.
>
> **Bell Atlantic's records:** No records available for the year 1986. Call-forwarding service provided from January to February 13, 1987. No call-forwarding service after February 13, 1987.

In view of the above, there is no way to corroborate Mr. Gobie's claim that calls were forwarded from two different telephone numbers to the residence of Representative Frank during

1986 due to the absence of available telephone company records. With regard to 1987, telephone records indicate that call-forwarding was available only for (202) 544-0090 from January to February 13, 1987.

Also relevant to the issue of prostitution activities, was Mr. Gobie's assertion that, from time to time, Representative Frank contacted him to see if it was "okay if I come home", so as to avoid embarrassing a client of Mr. Gobie's escort service who might be in the congressman's apartment. On this matter, the congressman was specifically questioned:

> Q. You mentioned that it is absolutely false, if I understand correctly, that there were some tacit understandings with you and Mr. Gobie that you would call your apartment to see, is it okay for you to come home?
>
> A. Absolutely outrageous.

Regarding this aspect of the Committee's inquiry, Mr. Gobie told the Committee that Representative Frank never came home while Mr. Gobie was engaged in an escort service activity at his apartment.

Of final note and relevant to Mr. Gobie's credibility and his claim that Representative Frank was aware of certain activities taking place in his residence was Mr. Gobie's recounting of an event that occurred between one of his "associates" and the congressman's landlord, Colonel James Daugherty:

> * * * When his landlord discovered the fact I was doing this, accidentally, an associate of mine came for a job interview one day and asked the landlord where do I go for the interviews for escort and modeling jobs. The landlord almost

> fell off the ladder he was working on outside, and the landlord read the riot act to Congressman Frank when he came back Monday, and Congressman Frank in turn read the riot act to me and told me, he said it would be best if we didn't see each other a couple weeks, just laid low, no activity at the house. He said, "You'll have to promise me you'll never forward the lines again." I said, "No problem." If anybody is aware, I don't want to be doing this here.
>
> So I knew that the jig was up, so to speak, because they found out. * * *

Inasmuch as Mr. Gobie related a specific incident involving Representative Frank's landlord, the Committee's January 5, 1990, interrogatory specifically asked Colonel Daugherty--

> [Question] 14. Do you recall an incident when you were on a ladder working outside Representative Frank's apartment and an individual asked you for information about where to interview for escort and modeling jobs? If so, please describe in detail when this occurred and what transpired.
>
> [Question] 15. Did you talk with Representative Frank about this matter?
>
> [Question] 16. Did you talk with Mr. Gobie about this matter?

In his sworn response of January 16, 1990, Colonel Daugherty stated as follows regarding the foregoing three questions:

> [Response] 14. I have absolutely no recollection of this ladder incident that someone has brought up. I have searched my mind to recall, have asked my wife if I had ever mentioned it to her. We come up totally blank. It could not have occurred.
>
> [Response] 15. The matter did not occur so I did not discuss it.
>
> [Response] 16. The matter did not occur so I did not discuss it.

Based upon the above, the Committee concludes that yet another of Mr. Gobie's assertions of fact regarding the operation

of "escort" or other activities involving Representative Frank's apartment has been repudiated by sworn testimony from another individual, Colonel Daugherty. As noted, the landlord has specifically denied under oath that the event described by Mr. Gobie ever took place.

2. Committee Conclusions

Based upon information obtained under subpoena and sworn testimony, the Committee concludes that the weight of the evidence indicates that Representative Frank did not have either prior or concomitant knowledge of prostitution activities involving third parties alleged to have taken place in his apartment. Not only have Representative Frank's landlords, Colonel and Mrs. James Daugherty, submitted sworn testimony contradicting Mr. Gobie's assertion, Mr. Gobie's assertion has also been rendered questionable by the fact that his claims of call-forwarding service were contradicted by the telephone company (no call-forwarding service in 1987 at all with respect to one telephone number and only approximately six weeks of such service (from January to February 13, 1987)), with respect to the other number. (No records were available for 1986.)

The Committee, therefore, further concludes that no further action is warranted.

B. Representative Frank's Communications with Probation Officials

The Committee initially focused its Preliminary Inquiry in this area on two issues relating to communications by Representative Frank regarding Mr. Gobie's probation. Were

Representative Frank's four letters to probation officials vouching for Mr. Gobie appropriate? Did Representative Frank attempt to pressure or intimidate Mr. Gobie's probation authorities into taking action or reporting favorably on Mr. Gobie?

The four letters by Representative Frank briefly described Mr. Gobie as a personal employee not paid with government funds. (See Appendices E, F, G, and H). To determine whether facts supported the congressman's description of the relationship described in the letters, the Committee pursued this issue with Representative Frank and Mr. Gobie. The two witnesses agreed in many respects as to basic facts but offered different conclusions and characterizations regarding their relationship.

Both Representative Frank and Mr. Gobie agreed that after their initial meeting and subsequent similar encounters over an approximately 2 month period, Mr. Gobie undertook a variety of personal tasks for the congressman. They both agreed that after the fourth or fifth encounter, their relationship changed and fairly soon Representative Frank began giving Mr. Gobie cash, but not for sex. Both agreed that Mr. Gobie's activities for Representative Frank were not full time; there was no set or negotiated salary; payments to Mr. Gobie were estimated to be $100 (later $75) a week, but were not entirely regular; and that there was no written or explicitly agreed-upon job description. Representative Frank also testified that he withheld no money for Social Security or income tax, and Mr. Gobie declined to answer the Committee's questions as to whether he had any earned income

or whether he paid income tax on money received during the period of his association with Representative Frank.

Both men agreed that Mr. Gobie performed various activities during the period in question, including driving Representative Frank to and from the airport, tending to the congressman's laundry, taking Representative Frank's car to be repaired or inspected, and seeing to the upkeep of Representative Frank's apartment. In addition, Mr. Gobie accompanied Representative Frank on some shopping trips, and drove him on local trips in the Washington area, including one to the White House.

Both men also agreed that there was a dimension to their relationship that transcended employment. Mr. Gobie spoke of his personal admiration for Representative Frank, and Representative Frank said that Mr. Gobie was good for his ego, and that the relationship was not entirely arms length.

Finally, both agreed that the relationship deteriorated when, in August 1987, Representative Frank's landlady confronted Representative Frank with her belief that Mr. Gobie had been using Representative Frank's apartment for prostitution, a matter about which the congressman said he was not aware.

The two disagreed on whether Representative Frank's payments and Mr. Gobie's activities constituted "employment", at least for purposes of the Virginia Probation officials. Representative Frank stated that he hired Mr. Gobie in the summer of 1985 and fired him at the end of summer in 1987. Mr. Gobie says that he was never hired, hence never fired -- instead, he described his undertaking tasks for Representative Frank as an outgrowth of

friendship not due to an employment relationship. He nevertheless acknowledged that he did receive money from Representative Frank during the period although the precise amount was a matter of dispute. Mr. Gobie estimated cash received from Representative Frank totalling no more than $2,000; Representative Frank said it was about $5,000 per year. Neither witness produced any documentation indicating that Mr. Gobie was, or was not, employed by Representative Frank. Thus, there is no credible evidence for the Committee to conclude that Representative Frank's four letters to probation officials verifying Mr. Gobie's employment were inaccurate. The Committee finds no impropriety in a Member verifying employment of an employee, absent a clear showing of a false statement. In this light, the matter of Representative Frank's letters to the probation office concerning Mr. Gobie's employment does not warrant any action.

Next, the Committee examined Mr. Gobie's claim that Representative Frank had attempted to exert pressure upon or to intimidate Virginia probation authorities. In Committee interviews both Probation Officer Cheryl Johnston and Mr. Gobie's court-ordered sex therapist, Lois Valladares, denied that Representative Frank had attempted to pressure them or to intimidate them in any way.

During the deposition of Mr. Gobie, the following exchange took place:

> Q. You mentioned earlier that the Congressman, in addition to some written letters that we have already introduced as exhibits, had conversation

with your Probation Officer.

A. Yes, and my therapist, Dr. Valladares.

Q. When and what were those conversations about?

A. I didn't hear about the conversation with Cheryl Johnston [the Probation Officer] first-hand. I was told by Dr. Valladares. She related to me that Cheryl Johnston had called -- Barney Frank called the -- she told Dr. Valladares and she felt she was being pressured into making decisions concerning my extension of probation.

She felt as if Congressman Frank was pressuring her over the phone or trying to intimidate her or change her decision.

Dr. Valladares related the same circumstances, the same feeling that she had when she was called by Congressman Frank.

When Ms. Johnston was invited at the close of her testimony to add anything for the record she volunteered the following:

I would just say that, you know, during the time I was involved with Steve, and getting correspondence from Congressman Frank, and even when I was taking him back to court, I never had the feeling that Congressman Frank tried to influence or pressure me in any way.

Similarly, Mrs. Valladares stated in a sworn declaration dated December 18, 1989:

At some point during the year 1986 I received a phone call from Congressman Barney Frank. He told me he was calling to inquire about an employee of his, Stephen Gobie, whom he knew to be a client of mine. Mr. Gobie had been referred to me by the Fairfax County Probation Department. Mr. Frank asked for my evaluation of Mr. Gobie's progress during his therapy with me. I had a release from Mr. Gobie to speak with Congressman Frank. I told Congressman Frank that Mr. Gobie was making progress.

Congressman Frank's call to me was completely appropriate in every way. He asked nothing of me that was in any way inappropriate. I discerned no attempt to influence me in my treatment of Mr.

> Gobie or in my contacts with the Probation Department. His inquiry was like many calls from employers of clients of mine.

The Committee concludes upon the basis of all available evidence, in particular the sworn testimony of Cheryl Johnston and Lois Valladares and analysis of Ms. Johnston's contemporaneous notes detailing her administration of Mr. Gobie's probation (discussed below), that Representative Frank did not attempt to exert influence or to intimidate either individual with respect to their administration or recommendations regarding the probation of Mr. Gobie.

Because of its decision to have for review and analysis the most complete record of all of Representative Frank's communications regarding Mr. Gobie's probation, the Committee subpoenaed the Probation Office's file on Mr. Gobie. This file contained, among other documents, the handwritten log that had been maintained by Probation Officer Johnston. After an initial review of her notes, Ms. Johnston was interviewed a second time, primarily for her interpretation of her own entries into the log. Ms. Johnston interpreted certain of her notes to read as follows:

> December, 16, 1985 - Employer contact/telephone call to Congressman Frank. Gobie works on his personal staff, isn't paid with government funds. He pays Gobie $200 per week to keep home and car running smoothly, bills paid on time, etc. Gobie also does some political tasks which might be improper for someone on government payroll to perform. He is aware of Gobie's probation. He estimates the job takes about twenty hours per week but he doesn't attempt to keep track of the time. Gobie has been 100% reliable.

> March 10, 1986 Probation Officer advised Gobie she will be requesting extension of probation. Gobie upset, will call in his favors to prevent it; will use his friends from Congress, etc. Gobie had letter from Congressman Frank to verify employment.
>
> March 28, 1986 - Personal home contact Saw Gobie at his new home. Gobie will be using Congressman Frank to persuade the Commonwealth Attorney to let Gobie's probation expire.
>
> May 2, 1986 - Telephone call from John Kloch. He is getting calls from Capitol Hill. Probation Officer advised Kloch of Gobie's status and that she is preparing request for extension. Kloch's office will not oppose Probation Officer's recommendation.

With regard to Ms. Johnston's note of the May 2, 1986, phone call from John Kloch, she volunteered the following testimony:

> I really had forgotten about in here talking with John Kloch who is the Commonwealth's Attorney in Alexandria, and him saying he was getting a lot of phone calls about Steve.
>
> * * *
>
> You know it may be that the political heat went to John Kloch because he was an elected official.

Committee Counsel then asked Ms. Johnston whether she had any reason to assume that the "Capitol Hill" calls were from Representative Frank. She responded that--

> I don't know if they would have been directly from him or from other people. John Kloch is very active politically. And, you know, if maybe someone asked people that he was buddies with to give him a call.

Because of Ms. Johnston's May 2, 1986, entry and her statements concerning contact with Mr. Kloch, the Committee contacted Mr. John E. Kloch, who was at the time (and still is) Commonwealth's Attorney for Alexandria. In the role of

Commonwealth's Attorney, Mr. Kloch's office appeared on behalf of the Commonwealth of Virginia regarding the proposed extension of Mr. Gobie's probation. While Mr. Kloch stated in his March 6, 1990, response to the Committee's February 22, 1990, interrogatory that, to the best of his knowledge and recollection, he did not receive any calls from either Representative Frank or anyone on his congressional staff regarding Mr. Gobie's probation, he indicated that he was contacted by another individual regarding the matter and stated that he had received from that individual a copy of an April 16, 1986, Memorandum prepared by Representative Frank concerning Mr. Gobie's probation.

In this specific regard, the Committee obtained from Mr. Kloch the Memorandum dated April 16, 1986, prepared by Representative Frank on his official letterhead concerning the administration and proposed extension of that probation (See Appendix J). In the Memorandum, Representative Frank made a vigorous argument in favor of Mr. Gobie's release from probation, including his expression of favorable opinions regarding Mr. Gobie. Among other things, Representative Frank indicated that he had met Mr. Gobie in 1984 "through mutual friends" and asserted that Mr. Gobie had, with one apparent exception (marijuana use), been "scrupulous about meeting his probation requirements." As discussed below, certain of Representative Frank's statements in the Memorandum were factually misleading, a matter which the congressman acknowledged to the Committee.

Because the subject Memorandum had been sent to the

Commonwealth's Attorney, a serious question exists with respect to whether the congressman should be held accountable for preparing misleading statements that could be perceived as an attempt to exert political influence affecting the administration of Mr. Gobie's probation.

Representative Frank told the Committee that he did not ask that the Memorandum be sent to Mr. Kloch. Further, the congressman said that the document "was never intended to be a representation about him [Mr. Gobie] to any decisionmaker or to anybody else."

Based upon the guidance he received from an individual he spoke with, Representative Frank contacted an attorney who represented Mr. Gobie in the matter. Subsequently, Mr. Gobie's probation was extended at the suggestion of the Probation Office which was represented by the Office of the Commonwealth Attorney.

Mr. John Kloch specifically informed the Committee that not only had he not been contacted by Representative Frank or any one on his congressional staff, but also that the Memorandum, which had been sent to him by an individual with whom Representative Frank had discussed Mr. Gobie's probation, did not affect either his judgment or activities regarding Mr. Gobie's probation nor did it lead him to believe that he was being pressured.

In view of the above, the Committee has considered the gravity of the identified misleading statements. With respect to certain of the misleading statements, the Committee notes that some dealt with expressions of the congressman's opinion. It is neither possible nor practical for the Committee to reach a

conclusion with respect to whether Representative Frank communicated such opinions as a matter of sincerely held belief or whether the opinions were expressed either in the absence of supporting knowledge or to the disregard of known facts. Accordingly, any such after-the-fact judgment based solely on speculation would lead to a conclusion not grounded on objective data. In this light, the Committee has treated the matter of the congressman's expressions of opinion in the document as views which Representative Frank was entitled to hold, notwithstanding that others may well have taken issue with the congressman's favorable assessment of Mr. Gobie.

The Committee has approached the matters of the misleading statements in the Memorandum from three perspectives: First, the substance of the inconsistency or contradiction; second, to whom they were communicated, and third, the context (and vehicle) by which such assertions were communicated. Regarding the substance of the misleading statements, the Committee's review of the Memorandum indicates that these were either: Assertions relating to the circumstances giving rise to and the full nature of the Gobie/Frank relationship and how it evolved; assertions relating to Mr. Gobie's compliance with the requirements of his probation; and the assertion that "I worry that an extended probation will cause problems -- not that it would in any way lead him to commit any more crimes * * *." Representative Frank told the Committee the opposite; namely, that continuing Mr. Gobie's probation would lead to his continued prostitution since probation prevented Mr. Gobie from landing a "real job."

While both Representative Frank and Mr. Gobie told the Committee that their relationship was occasioned by the congressman's March 31, 1985, response to an ad placed in The Washington Blade by Mr. Gobie offering "escort services", in his April, 1986, Memorandum, Representative Frank did not say he met Mr. Gobie through an advertisement, but, rather, "through mutual friends." Also in that document, Representative Frank communicated his belief that Mr. Gobie was meeting the requirements of his probation (specifically, to obey all laws), when, in fact, the congressman acknowledged to the Committee that he was aware that during the period in question Mr. Gobie was engaging in prostitution. It is therefore clear that Representative Frank was not totally candid and forthcoming in describing either the nature of, or the events giving rise to, his relationship with Stephen L. Gobie; as well as Mr. Gobie's activities during probation. It is of critical importance that such issues were directly relevant to any consideration of whether Mr. Gobie's probation should have been extended.

Of equal importance to the matter of misleading statements in the document, is the fact that it was sent to the Commonwealth's Attorney. While Representative Frank did not personally send the document to Mr. Kloch, and regardless of the facts precipitating the Memorandum actually being sent, it is nonetheless clear that Representative Frank reasonably should have anticipated that the document might be communicated to law enforcement officials having a role in Mr. Gobie's probation.

Thus, as with the matter of the misleading statements in the

document itself, which Representative Frank himself has acknowledged, the Committee also concludes that the congressman set into motion a series of contacts resulting in that document being sent to the Commonwealth Attorney. As a result, the misleading statements could be perceived as an attempt to use political influence to affect the outcome of the administration of Mr. Gobie's probation. That the Memorandum apparently had no such affect does not detract from the inappropriateness of communicating known misleading statements which could have affected the administration of Mr. Gobie's probation.

The Committee believes this is a matter which warrants further action.

Conclusions with Respect to Representative Frank's Communications

On the basis of a review of all available evidence, whether there was a "scheme" to misrepresent the nature of Mr. Gobie's relationship with the congressman is a matter which cannot be determined based upon available testimonial or documentary evidence.

The Committee concludes that, as was the case with respect to Mr. Gobie's assertions that Representative Frank sought to apply pressure on probation officials, adequate information has not been received on which to sustain Mr. Gobie's claim that he was not employed by Representative Frank.

While Representative Frank did not personally send a Memorandum dated April 16, 1986, to the Commonwealth Attorney for the City of Alexandria, Virginia, he nevertheless acknowledged that it contained misleading statements which were favorable to

Mr. Gobie. Representative Frank reasonably should have anticipated that the 1986 Memorandum might be communicated to law enforcement officials. The congressman set into motion a series of contacts resulting in that document being sent to the Commonwealth Attorney. As a result, the misleading statements could be perceived as an attempt to use political influence to affect the outcome of the administration of Mr. Gobie's probation. That the Memorandum apparently had no such affect does not detract from the inappropriateness of communicating known misleading statements which could have affected the administration of Mr. Gobie's probation. The Committee believes this matter warrants further action.

C. Dismissal of Parking Tickets

The third area of focus in the Committee's Preliminary Inquiry concerned Mr. Gobie's assertion that Representative Frank used his status as a Member of Congress to obtain the administrative dismissal of a large number of traffic tickets that were incurred by Mr. Gobie when he used the congressman's automobile for personal activities. Mr. Gobie further stated that the nature of the traffic violations involved illegal parking.

It was clear during the Committee's deposition of Mr. Gobie as well as the December 11, 1989, interview of Representative Frank, that the congressman had provided Mr. Gobie virtually unrestricted use of the congressman's personal automobile. Because of Mr. Gobie's assertions, the alleged magnitude of the tickets he claimed to have been incurred and dismissed, and the

fact that such action would have been predicated on Representative Frank's status as a Member of Congress, the Committee determined that investigation of this matter was necessary.

Under provisions of the District of Columbia Code, section 40-703(c), Members of Congress--

> * * * may park their vehicles in any available curb space in the District of Columbia, when:
>
> (1) The vehicle is used by the member of Congress on official business;
>
> (2) The vehicle is displaying a Congressional registration tag issued by the jurisdiction represented by the member; and
>
> (3) The vehicle is not parked in violation of a loading zone, rush hours, firehouse, or fire plug limitation.

The Committee approached this aspect of the Preliminary Inquiry by: Obtaining records from the District of Columbia reflecting Representative Frank's receipt of traffic citations; probing the issue during the December 11, 1989, interview of the congressman; obtaining information from Representative Frank relevant to his whereabouts and activities on each day on which a traffic citation was received; obtaining documentation from the House Sergeant at Arms; and obtaining from Representative Frank his specific response to and analysis of how many tickets were received and whether a citation might have been issued at a time when his automobile was being used for other than official purposes.

In addition, the Committee focused its investigative efforts

on that period of time during which Representative Frank and Mr. Gobie maintained their relationship. While there is dispute between Representative Frank and Mr. Gobie as to the actual period of time involved (Representative Frank said the relationship ended in August, 1987, while Mr. Gobie stated it lasted through the end of 1987), the Committee determined that given the nature and location of the parking tickets identified for review, the better approach was to focus on those tickets received during the period April 1, 1985, through December 31, 1987.

Based upon the Committee's analysis and in light of the foregoing considerations, the following summarizes the Committee's findings:

- During the period in question, a total of 67 citations were written against Representative Frank's car for non-moving violations.
- Of the 67 tickets, 60 involved parking tickets and 7 concerned citations issued due either to the expiration of inspection stickers or license tags. (Of the latter 7 tickets, two were dismissed and the remaining 5 were paid by Representative Frank);
- Of the 60 parking tickets involved, 16 were established as having been paid by Representative Frank based upon the records of the District of Columbia or cancelled checks having been submitted to the Committee by the congressman.

In the light of the above, the Committee focused on the 44 remaining -- i.e., administratively dismissed -- parking tickets. In view of the Committee's analysis of all available documentation, and particularly Representative Frank's letter to the Committee dated February 27, 1990, Appendix I, it appears

that 18 of the 44 dismissed parking tickets were not waived at the expressed request of Representative Frank; 26 parking tickets were dismissed as the result of the congressman's expressed request for such action.

Notwithstanding that certain of the 44 parking tickets were dismissed despite the fact that no request to do so was initiated by Representative Frank, the Committee sought and obtained the congressman's analysis of each of the 44 citations.

In his letter of February 27, 1990, Representative Frank informed the Committee that, based upon his review, 11 of the 44 tickets "were appropriately waived inasmuch as they were issued while the car was being used for official business" and that "[t]wenty of the 44 appear to have been waived in error, for the car apparently was not being used for official business at the time that they were issued." The Committee has reviewed and accepts Representative Frank's analysis and does not challenge his characterization of when or why the automobile was being used for official purposes on the 11 occasions identified.

With respect to the remaining 13 tickets, Representative Frank was not "able to determine the purposes for which the car was being used." Thus, he stated that he was "uncertain as to whether the * * * waivers were appropriate." Because of the unanswered question with respect to the specific nature and purpose for which his automobile was being used, Representative Frank informed the Committee that he is "willing to resolve the ambiguity here against myself by treating these 13 as having been waived in error."

In light of the foregoing, the Committee concludes that of the 44 parking tickets received during the period April 1, 1985, through December 31, 1987, Representative Frank either sought or received the administrative dismissal of 33 parking tickets for which Representative Frank himself instructs that there was no adequate basis indicating his automobile was being used for official purposes. The Committee further concludes that Representative Frank should take steps to negate fully any such financial benefit.

Accordingly, the Committee directs Representative Frank to make full restitution to the District of Columbia for the value of the 33 tickets dismissed due to the absence of any statement or indication that his automobile was being used for official purposes.

D. Alleged Sexual Activity in the House Gymnasium

The fourth major area of focus in the Committee's Preliminary Inquiry concerned assertions that Representative Frank and Mr. Gobie had engaged in sexual activity in the House gymnasium. During his December 6, 1989, deposition, Mr. Gobie was questioned about this matter.

According to Mr. Gobie, he was in the House gymnasium about "three or four times" with Representative Frank. However, the only occasion he could specifically remember was January 1, 1986. In support of his contention that he had been with Representative Frank in the facility, Mr. Gobie provided an accurate description of the general floor plan. Mr. Gobie stated that he believed the first visit to the gymnasium was on January

1, 1986.

Mr. Gobie was specifically asked about the assertion of sexual activity which had been reported in various newspaper articles. Mr. Gobie stated that after using various facilities and equipment in the gymnasium, he and Representative Frank separately undertook sexual activity "in front of George Bush's locker." He further stated that such activity also took place on the "two or three" other occasions in which he was in the gymnasium with Representative Frank. Mr. Gobie also stated that nobody else was present to observe the activities described above. He also indicated that the same activities took place elsewhere in the facility during his later visits to the gymnasium.

With respect to then-Vice President Bush's locker, Mr. Gobie said that "it was ajar, half open. We looked inside, yes." He further said that while he did not touch anything inside the locker, "we joked about throwing a copy of The Washington Blade in the locker and circling some escort ads in red pen. * * * Just a joke."

During the December 11, 1989, interview of Representative Frank, the congressman was asked about Mr. Gobie's assertions. The congressman acknowledged that Mr. Gobie did, in fact, join him in the House gymnasium "maybe in late 1985 or early 1986." Concerning Mr. Gobie's assertion of sexual activity, the following exchange occurred during the interview.

> Q. Would you recall whether Mr. Gobie ever joined you in the gymnasium during a holiday period?

A. That might have been that time. It might have been during a holiday period, sure.

Q. And do you recall the time that he joined you there, late 1985, early 1986, was there any other staff present? Was this during when the gym was normally closed?

A. My recollection is that there was nobody else present, but I can't be sure of that.

* * *

Q. With respect to Mr. Gobie's joining you in the gymnasium, I understood you to say that at no time did you engage in sexual activity -- I am sorry, in sex with Mr. Gobie?

A. At the gym. That is absolutely correct. I said that.

Q. To the best of your recollection, did any sexual activity take place not involving Mr. Gobie at the gym when he was present with you at the gym?

A. With me? Absolutely not. I mean, let me answer that in various ways. First of all, I was never at the gym with Mr. Gobie and anybody else who was, if there was somebody else there, if there was anybody else, they were members of the staff or, perhaps, gym staff. So if the suggestion that he has made or anybody has made that there was somebody at the gym who was not a regularly authorized gym goer, other than Mr. Gobie, that is an absolute lie. I have never had sex with anyone in the gym nor have I heard of other people doing it. So I think the whole business is grossly exaggerated. I can't see how anyone could have. The whole notion, the way they were describing it, out in the locker room, which is where the doors open from the swimming pool, that is the craziest notion. I will agree that I behaved in ways that were inappropriate and stupid, for which I feel very badly.

But at no point, having sex with someone in the open area of the gym would have remotely been anything I wanted to do or if I did think it was at all reasonable. But I never had sex in the gym with Mr. Gobie nor anyone else, and I was not there with anyone else who was not authorized to

be in the gym.

Q. Did anything of a sexual nature take place in the gymnasium facility involving you?

A. No.

In reaching a conclusion with respect to the merits of the assertion of sexual activity, the Committee has taken into consideration the facts that: First, the information provided by Mr. Gobie was not subject to any corroboration since no other individuals were claimed by Mr. Gobie to have been present when the alleged activity purportedly took place; and second, when questioned about the matter, Representative Frank clearly and unequivocally denied the validity of the assertions. In this light, the Committee concludes that while Representative Frank should not have taken Mr. Gobie into the House gymnasium -- in violation of gymnasium rules -- the assertions made by Mr. Gobie regarding sexual activity in the House gymnasium are unsupported and do not warrant further action by the Committee.

E. Conclusions with Respect to the Credibility of Stephen L. Gobie

While much has been said, written, and speculated with respect to Representative Barney Frank's relationship with Stephen L. Gobie, it is clear that most, if not all, of such media attention has been the product of assertions made by Mr. Gobie. As has been discussed in detail in prior sections of this Report, the Committee went to great lengths in seeking testimony or other information relevant to the assertions. In numerous instances where an assertion made by Mr. Gobie (either publicly or during his Committee deposition) was investigated for

accuracy, the assertion was contradicted by third-party sworn testimony or other evidence of Mr. Gobie himself. As examples, the following presents a summary of the factual assertions made by Mr. Gobie and the results of the Committee's findings.

°Mr. Gobie's Assertion: Mr. Gobie repeatedly and publicly alleged that Representative Frank was aware that Mr. Gobie was arranging or conducting "escort service" activities in the congressman's Washington, D. C. residence that involved sexual activity.

°Committee Finding: In his sworn testimony, Mr. Gobie expressly denied ever having apprised the congressman directly or indirectly that such activity was taking place in the congressman's apartment; or even having knowledge of any sexual activity in the apartment.

°Mr. Gobie's Assertion: During his deposition, Mr. Gobie asserted that he arranged to have calls forwarded from two telephone numbers to the congressman's apartment to facilitate the operation of his "escort service". He indicated that call forwarding occurred up to August 1987.

°Committee Finding: While one witness stated that he understood that Mr. Gobie used call-forwarding during the Summer of 1987, the telephone company stated that no records were available for 1986, no call-forwarding service was provided to one of the numbers in 1987, and that such service was terminated on February 13, 1987, with respect to the second number. Thus, Mr. Gobie's assertion that calls were forwarded to the congressman's apartment up to August, 1987, was contradicted by records of the telephone company.

°Mr. Gobie's Assertion: Mr. Gobie asserted that Representative Frank applied pressure on both his Probation Officer, Ms. Johnston, and the therapist with whom he was meeting, Ms. Valladares, in an effort to obtain favorable disposition of Mr. Gobie's probation.

°Committee Finding: Both Ms. Johnston and Ms.

Valladares, under oath, when confronted with Mr. Gobie's assertions, expressly denied any such pressure was brought to bear by the congressman. Moreover, both individuals emphasized that in his limited communications or dealings with them, Representative Frank's communications were totally appropriate and the fact that he was a Member of Congress in no way entered into their considerations in the administration of Mr. Gobie's probation.

Testimony of a former associate of Mr. Gobie

Because of press accounts indicating that a former prostitute who had been associated with Mr. Gobie stated that Representative Frank had knowledge of the use of his apartment for arranging or conducting illegal activities, the Committee contacted the individual and obtained her testimony on May 10, 1990, with a quorum of the full Committee present. In order to maintain the confidentiality of this individual's identity, the Committee is not identifying the person but points out that her testimony was obtained voluntarily and under oath.

During the May 10, 1990, deposition, the witness responded to questions and provided information concerning: her association with Mr. Gobie; activities which transpired in Representative Frank's apartment; her contacts with Representative Frank; and the basis for her view that the congressman had knowledge of certain activities which took place in his Washington, D.C. residence. The following summarizes the testimony obtained.

The witness testified that she first met Mr. Gobie in September, 1986, when she responded to an advertisement seeking models and/or escorts. In describing her association with Mr. Gobie, the witness stated that while rates and fees were

discussed, the matter of whether sexual activity would take place with a client was left totally to her discretion. She described her relationship with Mr. Gobie as basically a partnership in which Mr. Gobie would transact ahead of time the payment of fee with the client. The agreed-upon fee would be split with her, with Mr. Gobie keeping one-third. The witness characterized her activities as an escort and not a prostitute and based that distinction upon the fact that whatever sexual activity transpired between her and a client was of her choosing at the time of an encounter, not by prearrangement.

The witness recalled that the first time she met the person whom she later learned was Representative Frank was during the winter of 1986 when Mr. Gobie was living on 25th Street, N.W., in Washington, D.C. On that occasion, she stated she was leaving Mr. Gobie's apartment and, as she was doing so, Mr. Frank and Mr. Gobie came into the apartment and she was introduced to "Barney". She described her encounter with the congressman as brief, and said she was not aware that "Barney" was a Member of Congress. During her testimony she indicated that she spoke with an individual whom she believed to be Representative Frank on several occasions during the period after first having met him in the winter of 1986 but before June, 1987, when "B" would call for "Greg" at the 25th Street apartment. However, she made clear that those contacts with the congressman were on the telephone and not in person.

The witness testified that at the time she met Mr. Frank in December 1986 she was working with Mr. Gobie in the escort

business. She testified that Mr. Gobie did not ever tell her Representative Frank knew about her business relationship with Mr. Gobie and that Representative Frank had not independently expressed awareness to her of that business association -- "I do believe maybe he [Representative Frank] just thought we were friends". The witness also stated she had no knowledge of whether Mr. Frank knew that Mr. Gobie was in the escort business.

The witness said that she was aware of sexual activities occurring in Representative Frank's apartment during the period June through July, 1987, but that she had no personal knowledge of any sexual activity occurring in the congressman's residence prior to or after that period.

The witness recalled that the first time she was in the congressman's apartment was on June 17, 1987, however, she said she did not know at the time that the residence was Representative Frank's, only that it was "Barney's apartment."

It was not until her second visit to his residence on June 25, 1987 that she understood it was the home of a Member of Congress. This realization apparently was based on two factors: Mr. Gobie having indicated to her that her client contact was taking place in the home of an important person and, second, the fact that she saw "proclamations" apparently indicating the congressional status of the resident. At that time, June 25, 1987, Mr. Gobie told her that the residence was that of a congressman from Massachusetts, Representative Barney Frank.

The witness stated that she undertook client activity in

Representative Frank's Washington, D.C., residence on 6 to 8 occasions during the June through July, 1987 period; she made clear that she had no personal knowledge of any activity or client contact in the congressman's apartment during the month of August, 1987.

With respect to her 6 to 8 client encounters in the congressman's apartment, the witness stated that only three involved sexual activity. Of these, two events took place in June and one occurred in July, 1987. The witness stated that Representative Frank was not present on any of those occasions; that Mr. Gobie joined her in sexual activity with a client on only one such occasion; and that no client encounters took place on weekends.

During the course of this individual's 6-8 visits to Representative Frank's apartment, she stated that she did not have any occasion to meet or speak with Representative Frank's landlords.

When questioned about her contacts with Representative Frank during the June-July period, the witness was clear in her recollection that she only had one telephone conversation with the individual whom she believed was Representative Frank while she was at his apartment in June, 1987 and that such telephone conversation took place on Thursday, June 25, 1987, between 3:30 and 4:15 in the afternoon.

The witness described the subject conversation as very brief, during which the individual whom she believed to be Representative Frank inquired if "Greg" was there; asked if there

was a "client" present; asked if the residence was clean; and said he would "be home in 15-20 minutes." The caller, however, did not identify himself as Representative Frank nor did any conversation occur during which she or the caller explicitly discussed the occurrence of sexual activity. The witness stated that, but for this one conversation, she had no other telephone contact with Representative Frank during the period June 17 through July 31, 1987, while she was at his apartment. (Moreover, the witness said that, from October 1986 to June, 1987, not including the telephone call of June 25, 1987, she spoke on the phone with Representative Frank "maybe twice" and that the total time of her four contacts with Representative Frank (either in person -- once (December 1986) -- or on the phone -- three times) was "maybe five to six minutes;" and that she had no recollection of ever seeing or hearing Representative Frank on radio or television.

She stated that because she believed the individual with whom she spoke on the telephone was Representative Frank (because she "recognized the voice" * * * Maybe slightly a lisp and a northern accent"), and based upon the conversation described above, she personally concluded that the congressman knew that his apartment was being used by Mr. Gobie for business purposes.

The witness stated that she had no personal knowledge of any discussion between Mr. Gobie and Mr. Frank in which Mr. Gobie apprised the congressman of the activities he was undertaking in the latter's apartment nor did she recall that Mr. Gobie told her about any such conversation.

During the deposition, the witness was questioned about an article appearing in the March edition of a magazine as well as a May 1, 1990 news report. With respect to the magazine article, she stated that she believed it was she who was referred to as "Lyn" but that the reference in the article to the "operation" conducted in the congressman's apartment was something about which she had no definite understanding. In fact, her use of the word "baloney" as quoted in the article referred to her belief that Representative Frank knew his home was being used for "something" but not specifically prostitution activities.

Regarding the May 1, 1990, news report, the witness stated that she did not tell the reporter that she spoke with Representative Frank "two or three times a week", a quotation which she said was "an exaggeration". In fact, the witness testified that she told the reporter exactly what she told the Committee -- that she had only one telephone conversation with Representative Frank at his apartment. In addition, with respect to the phrase in the article that Representative Frank "knew prostitutes were using his Capitol Hill apartment as a bordello", she stated that she had no knowledge of any other individual beside herself or Mr. Gobie using Representative Frank's apartment nor had the word "bordello" been used during the course of her interview by the reporter.

The witness stated that she only had knowledge of one occasion during which Mr. Gobie himself engaged in escort activities in the congressman's apartment and that she was not aware about either what occurred on that occasion or whether Mr.

Gobie communicated to Representative Frank about what took place at that time.

OBSERVATIONS

Notwithstanding press accounts or suggestions to the contrary, it is clear that the witness who provided sworn testimony to the Committee on May 10, 1990, claimed knowledge of escort/prostitution activities in Representative Frank's apartment only during the period June 17 through July 31, 1987. Furthermore, of a maximum of eight occasions in which she was engaged in client activity at the congressman's residence, conduct of a sexual nature took place on only three occasions and only once -- June 25, 1987 -- did she have what she believed to be a brief conversation with Representative Frank. Moreover, the witness was aware of only one occasion on which Mr. Gobie himself used the congressman's residence when she was not present but she did not know the nature of the activity involved. Also of importance is the fact that during the brief telephone conversation she had with the individual whom she believed to be Representative Frank on June 25, 1987, the conversation did not involve any expression of knowledge about sexual activity nor did she volunteer such. And, finally, the witness was unaware of any conversation during which Mr. Gobie told Representative Frank about his activities in the congressman's apartment.

Testimony of an individual whom Mr. Gobie alleged assisted Representative Frank in deceiving Probation Officials

On May 23, 1990, the Committee deposed an individual who had been described by Mr. Gobie as having personal knowledge about

Mr. Gobie's association with Representative Frank as well as having participated in a "scheme" to deceive probation officials into believing that Mr. Gobie resided with Representative Frank at the congressman's apartment. (In order to maintain the confidentiality of the identity of this person, the Committee is not disclosing either the individual's name or other identifying information.)

During his testimony, Mr. Gobie stated that on one occasion during his probation, he met with probation officials at the residence of Representative Frank. Mr. Gobie stated that the individual whom the Committee deposed on May 23, 1990, joined him at Representative Frank's apartment in order to provide support for Mr. Gobie. In this regard, Mr. Gobie stated that in preparing for the meeting with probation officials, both he and the subject individual first went to Mr. Gobie's residence to obtain articles of Mr. Gobie's clothing and other personal effects which were then "scattered" in Representative Frank's apartment in order to give the appearance that Mr. Gobie was living at the congressman's residence. Mr. Gobie stated that when the meeting with probation officials was over, he and the individual then gathered up the various articles, and drove back to Mr. Gobie's apartment where the articles were then returned.

When questioned about Mr. Gobie's allegation, the Committee was told that this witness went alone to the congressman's apartment and departed alone after the meeting. The witness denied that there had been any activity in which he assisted Mr. Gobie in obtaining Mr. Gobie's clothing, placing them in the

congressman's apartment, or later returning the articles to Mr. Gobie's residence. The witness described the reason for meeting with probation officials as being for the purpose of providing support to Mr. Gobie at Mr. Gobie's expressed request to do so.

Concerning other matters, the witness also expressed the belief that Mr. Gobie had indicated that he was working for Representative Frank as a congressional aide and also undertook personal tasks for the congressman.

The witness also indicated awareness of the fact that Mr. Gobie was operating an escort business, although Mr. Gobie never specifically discussed the details of that operation and never indicated that Mr. Gobie was using Representative Frank's house in connection with that business. The witness also said Mr. Gobie did not ever state that Representative Frank was aware of the escort service nor was the matter ever discussed with Representative Frank.

Testimony of another individual who reportedly had knowledge about Mr. Gobie's activities.

A May 1, 1990, news story reported contact with another "male witness" who was described as having knowledge about Mr. Gobie's activities and discussion with Representative Frank on the matter. Specifically, the story reported that this individual said "that Mr. Frank was also aware that Mr. Gobie * * * worked for a prostitution ring throughout the period [of the congressman's relationship with Mr. Gobie]." The article stated that this individual indicated that Mr. Gobie "helped operate another escort service [Saxons] at the same time he says he was

operating his own business from Mr. Frank's apartment." The news story also reported that on one social occasion -- a dinner at which Representative Frank and Mr. Gobie were in attendance -- the operation of Saxons, an escort service of Mr. Richard Allen, was discussed. Finally, the article quoted the individual as stating "I don't believe he [Representative Frank] knew that Steve was running the business out of his house * * *."

On May 31, 1990, the Committee swore in and deposed this individual, whose identity is being protected at the request of the witness. The following summarizes the sworn testimony provided by the subject individual.

The witness testified that he did not tell the reporter that Representative Frank was aware of any prostitution activities engaged in by Mr. Gobie during the period 1985 through 1987. In fact, this witness stated that he was not aware that Mr. Gobie was involved in any prostitution activities at all.

The witness further testified that Mr. Gobie did not have regular participation in the operation of the Saxons escort service to his knowledge. The individual testified that during a three- or four-day period, Mr. Gobie answered phone calls for Saxons and had arranged, without Mr. Allen's knowledge or approval, for a client to come to Mr. Allen's apartment. When he became aware of Mr. Gobie's unauthorized action, Mr. Allen reportedly became very angry and told Mr. Gobie "not to come back anymore." According to the witness, the above-described phone-answering activities were the only involvement Mr. Gobie had with Saxons of which he was aware.

The witness specifically took issue with and disputed the accuracy of the May 1, 1990, news article with respect to the statement that on one dinner occasion at which Representative Frank and Mr. Gobie were present, the operations of the Saxons escort service were discussed. The witness said that he did not make this statement because the purported discussion did not occur -- the witness testified that the dinner conversation dealt with legislation and the fact that Representative Frank had publicly acknowledged his sexual preference.

While this witness stated that he understood Mr. Gobie used call-forwarding, he also stated that he was unaware of any call-forwarding that may have taken place involving calls placed to the Saxon's escort service being routed to the telephone at the residence of Representative Frank. (The Committee again notes in this regard that the records of the telephone company expressly contradicted Mr. Gobie's claim that calls were forwarded from the Saxons telephone number to Representative Frank's apartment at any time after February 13, 1987.)

With respect to the quote attributed to the individual concerning Representative Frank's awareness that "Steve was running the business out of his house," the witness stated that he did not make this statement because he did not know. Mr. Gobie never indicated such activity to him, nor stated that Representative Frank was aware of such actions. In this connection, the witness stated that he had never discussed Mr. Gobie's activities with either Mr. Gobie or Representative Frank.

In view of the foregoing, the Committee concludes that the

sworn testimony of this witness does not provide any support to the public assertions or allegations made with respect to the conduct of Representative Frank or any activities Mr. Gobie assertedly undertook in the congressman's apartment.

Other evidence bearing on Mr. Gobie's credibility

In addition to the foregoing, the Committee obtained yet other information bearing on Mr. Gobie's credibility.

For example, Mr. Gobie told the Committee during his deposition that, in December 1987, when he was using Representative Frank's automobile, one of the windows was broken and that he contacted both the congressman in Massachusetts and Ms. Patricia Hamel, the congressman's personal secretary, at their homes to arrange replacement of the window. While, due to the absence of records (the Committee contacted the telephone company to obtain proof of such a long distance telephone call to Massachusetts, but no such records were available), the Committee could not establish the accuracy of Mr. Gobie's statement regarding use of the telephone, Ms. Hamel informed the Committee, under oath, that Mr. Gobie had never called her about the matter, either at home or at the office. Furthermore, records obtained from Representative Frank's automobile insurance company clearly indicate that it was Mr. Gobie who signed the necessary insurance documents to obtain replacement of the window -- his signature appears on the form. There is no indication whatsoever that Representative Frank had any knowledge of this event prior to the time it was reported in the news media.

Perhaps the most significant indications of the weight to be

given to Mr. Gobie's testimony derive not from what he told the Committee and whether such an assertion was supported but, rather, from what Mr. Gobie did not tell the committee. Because Mr. Gobie had been consistently and repeatedly quoted as asserting that he arranged or conducted certain activities in Representative Frank's apartment, the Committee sought to obtain from him documentary evidence supporting those assertions. To this end, the subpoena issued to Mr. Gobie on November 17, 1989, directed not only that he testify under oath but also that he submit to the Committee--

> Any and all records, documents or memoranda, including but not limited to appointment calendars and rolodexes, of whatever kind or character, concerning any activities that you engaged in for the purpose of prostitution and which occurred within the residence of Representative Barney Frank located at 210 8th Street, S.E., Washington, D.C. 20003.

The Committee subpoenaed such information for two reasons: First, such documents would support Mr. Gobie's claim that he operated a "escort business" out of the congressman's apartment to the extent that appointments for clients of that business would be reflected in the records, not only as to the time of such engagements but also as to the place -- e.g., Representative Frank's residence -- the services were to be provided. Second, and of equal importance, was the fact that in the September 25, 1989, issue of Newsweek, Mr. Gobie was quoted as saying--

> If I were interested in ruining half of Washington, all I'd have to do is open my Rolodex.

(See, also, a news article prepared by States News Service, August 29, 1989, to the same effect.)

Because of Mr. Gobie's failure (or claimed inability) to comply with the Committee's subpoena with respect to the production of records, Committee staff followed up on this matter. Accordingly, subsequent to the deposition, in response to the request that Mr. Gobie submit the required documentation, Mr. Gobie submitted the following letter dated and signed on December 16, 1989, to the Committee:

> I, Stephen Gobie, in response to your request, do hereby state that I do not have in my possession the items requested by the Committee on Standards of Official Conduct of the House of Representatives (i.e. Appointment Books, Rolodexes). I do not know at this time where these items are. Upon finding these items, I will turn them over the Committee promptly as requested.

To date, Mr. Gobie has not provided any material responsive to the Committee's subpoena. It can only be speculated whether such documents ever existed or whether Mr. Gobie has simply not been able to comply with the direction that such materials be provided to the Committee. Accordingly, it need only be stated that Mr. Gobie has not provided <u>any</u> documents or information to support his assertions that he, in fact, operated his "escort service" out of Representative Frank's apartment.

In addition to not providing any of the documents covered by the Committee's subpoena, there were other matters on which Mr. Gobie did not provide information to support his own allegations. In particular, in response to several of the Committee's questions during his December 6, 1989, deposition, Mr. Gobie invoked his rights under the Fifth Amendment to the U.S. Constitution to avoid self-incrimination. While the

Committee emphasizes that Mr. Gobie's decision to assert a Constitutional privilege has not been accorded any negative inference by the Committee as to his personal exposure to prosecution, in order to make a full report on the results of the Committee's Preliminary Inquiry, the fact of such claims of privilege are here disclosed.

In summary, the testimony provided by Mr. Gobie has, in many cases, been contradicted or refuted by other testimony or documentary evidence.

IV. RECOMMENDATION

In reaching a decision on the appropriate disposition of this case, the Committee was guided by several important considerations: The assertions made with regard to the conduct of Representative Frank; the credibility of Stephen L. Gobie in the context of evidence (testimonial and documentary) contradicting his assertions; the credibility of other witnesses, including the congressman; and the fact that Representative Frank has acknowledged the exercise of poor judgment and has acknowledged his liability for all parking tickets that were dismissed in the absence of evidence indicating the conduct of official activity.

Concerning Representative Frank's activities which have been identified as inappropriate, the Committee has taken into consideration the fact that during his December 11, 1989, interview, the congressman clearly and unambiguously expressed regret for his actions and accepted full responsibility for any parking tickets that were dismissed regardless of whether he

initiated such administrative action. Specifically, the congressman dealt squarely with his relationship with Mr. Gobie and the actions he took during that period:

> Q. Does it strike you that there is anything incongruous between your writing letters vouching -- if that is the right word -- for Mr. Gobie's employment and the same period of time where you have some impression or knowledge that he is engaging in prostitution, personal or otherwise? It just strikes me I am not drawing any conclusions. I am just asking, here is a person who is on probation.
>
> A. I have to say it strikes me as something I should not have done. I began, and I will tell you again, with chagrin, that I did not handle the pressures of having a public life, of being a closeted gay man, nearly as well as I should have. I do think I managed to confine most of the damage to myself. But when you are in a public position, inevitably something spills over.
>
> * * *
>
> I just want to express my very deep regret and apology to you as my colleagues, I would repeat, as I look back on this, it is a mixture of excessive casualness about my personal financial affairs that I can understand, I guess I always figured if it was my money, I guess that would be okay.
>
> Beyond that, it has created, I did things I shouldn't have done. I do take some heart from the fact that, for the reason I talked about and acknowledged in '87, I kind of changed things. But I don't deny I did things I shouldn't have done. I hope I have been able to answer all of the questions. It was a mix. As I said, I did some things I shouldn't have done. I got accused of a lot more. I appreciate the chance for trying to differentiate them.

(See, also, the congressman's February 27, 1990, letter to the Committee, Appendix I.)

Representative Frank expressly waived his rights under Committee Rules 11, 12, and 16, to receipt of a Statement of

Alleged Violation, and Phases 1 and 2 of a Disciplinary Hearing. This enabled the Committee to reach factual conclusions regarding the evidence received during the Preliminary Inquiry, and to proceed immediately to consideration of sanction.

The Committee's Preliminary Inquiry established that Representative Frank acted improperly when he sought or accepted administrative dismissal of 33 parking tickets incurred by Representative Frank or Mr. Gobie owing to the congressman's status as a Member of Congress, for which he himself has admitted that an inadequate basis exists indicating official activity. While the Committee recognizes that Representative Frank did not seek dismissal of all such citations, he nevertheless received a financial benefit due to the respective fines having been waived. The Committee further concludes that Representative Frank should make appropriate restitution to the District of Columbia for parking tickets dismissed in the absence of an adequate basis indicating official activity. In this specific regard, the Committee so directs Representative Frank.

The Committee also concludes that Representative Frank acted improperly in another matter related to his status as a Member of Congress. As discussed in this Report, the Committee obtained from the files of the Commonwealth Attorney in Alexandria, a Memorandum dated April 16, 1986, prepared by Representative Frank. While Representative Frank did not personally send the subject document to the Commonwealth Attorney, he nevertheless acknowledged that it contained misleading statements which were favorable to Mr. Gobie.

Representative Frank reasonably should have anticipated that the 1986 Memorandum might be communicated to law enforcement officials. The congressman set into motion a series of contacts resulting in that document being sent to the Commonwealth Attorney. As a result, the misleading statements could be perceived as an attempt to use political influence to affect the administration of Mr. Gobie's probation. That the Memorandum apparently had no such affect does not detract from the inappropriateness of communicating misleading statements which could have affected the administration of Mr. Gobie's probation.

In view of the above, the Committee concludes that Representative Frank's improper conduct in connection with parking tickets and the 1986 Memorandum reflected discredit upon the House in violation of House Rule XLIII, Clause 1, and warrants reprimand.

The adoption of this Report shall constitute a reprimand. Accordingly, the Committee recommends that the House adopt a Resolution in the following form:

HOUSE RESOLUTION

Resolved, That the House of Representatives adopt the report by the Committee on Standards of Official Conduct dated July 20, 1990, in the matter of Representative Barney Frank.

This Report was approved by the Committee by a vote of 12 ayes; 0 nays.

STATEMENT UNDER RULE XI, CLAUSE 2(l)(3)(A)

The Committee's oversight findings and recommendations are as stated above. No budget statement is submitted.

EXHIBIT 1

U.S. House of Representatives
Committee on Standards of Official Conduct
Suite HT-2, U.S. Capitol
Washington, DC 20515

September 12, 1989

RESOLUTION

WHEREAS, the Committee on Standards of Official Conduct is aware of assertions relating to the conduct of Representative Barney Frank in connection with his employment of a personal assistant; and

WHEREAS, the Committee has determined that the matters merit further inquiry;

NOW, THEREFORE, BE IT RESOLVED, that this Committee conduct a Preliminary Inquiry pursuant to Committee Rule 11(a) to determine whether Representative Frank violated the Code of Official Conduct or a law, rule, regulation or other standard applicable to his conduct in the performance of his duties or in the discharge of his responsibilities; and

BE IT FURTHER RESOLVED, that the Chairman and Ranking Minority Member are authorized to issue subpoenas on behalf of the Committee, either for the taking of depositions or the production of records, and that all testimony taken by deposition or things produced pursuant to subpoena or otherwise shall be deemed to have been taken, produced, or furnished in Executive Session; and

BE IT FURTHER RESOLVED, that Representative Frank be immediately notified of this action and informed of his rights pursuant to the Rules of this Committee.

EXHIBIT 2

U.S. House of Representatives
Committee on Standards of Official Conduct
Suite HT-2, U.S. Capitol
Washington, DC 20515

January 5, 1990

Mrs. Mary Jo Daugherty
8th Personnel Command
APO San Francisco, California 96301

Dear Mrs. Daugherty:

As you are aware, the Committee on Standards of Official Conduct has initiated a Preliminary Inquiry in connection with Representative Frank's relationship with Mr. Stephen L. Gobie. A copy of the September 12, 1989, Resolution of Preliminary Inquiry is enclosed.

The Committee would appreciate your providing information relevant to the subject investigation. In large part, the questions to which your responses are desired relate to information which you provided under oath in your Declaration of October 25, 1989, copy enclosed, regarding Mr. Gobie's activities at the congressman's residence. In this connection, the Committee understands that for all periods relevant to the Committee's Preliminary Inquiry, Representative Frank has resided in a basement apartment that you and your husband own at 210 8th Street, S.E., Washington, D.C.

Based upon the foregoing, the Committee would appreciate your responses to the following questions:

1. When did you first meet Representative Frank?

2. When did the congressman first rent the apartment located at 210 8th Street, S.E., in Washington, D.C., from you?

3. Have you ever maintained a social relationship with Representative Frank? If so, please describe the nature and extent of such social contacts.

4. Have you ever met Mr. Stephen L. Gobie? If so, please describe when and the circumstances giving rise to that introduction.

5. Did Representative Frank ever describe to you the nature of his relationship with Mr. Gobie? For example, please explain whether the relationship was

characterized as purely personal or as one more in the nature of an employer/employee relationship in which Mr. Gobie performed various administrative tasks for the congressman.

6. To the best of your knowledge, did Mr. Gobie ever perform administrative or housekeeping tasks for Representative Frank? If so, please describe.

7. If the answer to question 6, above, is in the affirmative, to your knowledge did Representative Frank compensate Mr. Gobie for performing such administrative tasks?

8. Did Representative Frank ever discuss with you how he came to know Mr. Gobie?

9. Did Mr. Gobie have access to Representative Frank's apartment when the congressman was not at home?

10. To the best of your knowledge, did Mr. Gobie have access to, and use of, Representative Frank's automobile, when the congressman was not at home?

11. To the best of your knowledge, what was the nature of Mr. Gobie's profession or income earning activity? Please describe how and when you reached this conclusion, and whether (and why) your view changed over time.

12. In your October 25, 1989, Declaration, you stated:

> I can remember only one occasion prior to the spring/summer of 1987, on which I complained to Congressman Frank about a matter relating to Gobie's presence. That was when a young woman began staying with Gobie. I told the Congressman that I didn't want her around. I didn't see her after that.

What did you tell Representative Frank about the woman and/or Mr. Gobie? Why did you tell the congressman you did not want the young woman "around"? Did you know the woman? How often did you see the woman, and did she stay overnight in the congressman's apartment? What was Representative Frank's reaction?

13. According to your October 25, 1989, Declaration, you stated:

> Sometime in the summer of 1987, I became aware that a number of different women would visit Gobie and that, on one occasion, men whom I didn't recognize visited briefly and left. Until this type of activity began to occur, it never dawned on me that prostitution might be taking place. I am confident that this sort of activity was not taking place prior to this time because I was in the house almost all of the time and would have observed it. When this activity commenced, I intensified my observation and became concerned that Gobie was acting improperly.

On what specific basis did you draw the conclusion that prostitution might, in fact, be taking place?

14. Prior to the occasion quoted above, did you have any other information or impression that Mr. Gobie was engaged in prostitution, using the congressman's apartment?

15. Did you discuss the matter described in question 12, above, with Mr. Gobie?

16. Prior to the events described in question 12, above, did you have any impression that Mr. Gobie was meeting individuals at Representative Frank's apartment?

17. In your October 25, 1989, Declaration, you further stated:

> I called Congressman Frank and reported what I had observed. He seemed stunned. I never saw Gobie again.

Please describe in detail your conversation with Representative Frank and the congressman's reaction, including any indication of his prior awareness of the matter.

18. Did any of the activities described above occur when Representative Frank was present at his apartment?

19. Have you spoken or communicated with Representative Frank subsequent to the news reports regarding Mr. Gobie's activities at his apartment? If so, when and what was said?

20. When was the last time you spoke with or saw Mr. Gobie?

The Committee would appreciate your sworn responses to the foregoing questions at your earliest convenience. To this end, we would request that you sign and date your responses, using the following language: "I declare under penalty of perjury that the foregoing is true and correct."

If you have any questions, please call collect Mr. Ralph L. Lotkin, the Committee's Chief Counsel, at (202) 225-7103.

Sincerely,

Julian C. Dixon
Chairman

John T. Myers
Ranking Minority Member

JS:RLL

Enclosures

EXHIBIT 3

U.S. House of Representatives
Committee on Standards of Official Conduct
Suite HC-2, U.S. Capitol
Washington, DC 20515

January 5, 1990

Colonel James R. Daugherty
8th Personnel Command
APO San Francisco, California 96301

Dear Colonel Daugherty:

As you are aware, the Committee on Standards of Official Conduct has initiated a Preliminary Inquiry in connection with Representative Frank's relationship with Mr. Stephen L. Gobie. A copy of the September 12, 1989, Resolution of Preliminary Inquiry is enclosed.

The Committee would appreciate your providing information relevant to the subject investigation. In this connection, the Committee understands that for all periods relevant to the Committee's Preliminary Inquiry, Representative Frank has resided in a basement apartment that you and your wife own at 210 8th Street, S.E., Washington, D.C.

Based upon the foregoing, the Committee would appreciate your responses to the following questions:

1. When did you first meet Representative Frank?

2. When did the congressman first rent the apartment located at 210 8th Street, S.E., in Washington, D.C., from you?

3. Have you ever maintained a social relationship with Representative Frank? If so, please describe the nature and extent of such social contacts.

4. Have you ever met Mr. Stephen L. Gobie? If so, please describe when and the circumstances giving rise to that introduction.

5. Did Representative Frank ever describe to you the nature of his relationship with Mr. Gobie? For example, please explain whether the relationship was characterized as purely personal or as one more in the nature of an employer/employee relationship in which Mr. Gobie performed various administrative tasks for the congressman.

6. To the best of your knowledge, did Mr. Gobie ever perform administrative or housekeeping tasks for Representative Frank? If so, please describe.

7. If the answer to question 6, above, is in the affirmative, to your knowledge did Representative Frank compensate Mr. Gobie for performing such administrative tasks?

8. Did Representative Frank ever discuss with you how he came to know Mr. Gobie?

9. Did Mr. Gobie have access to Representative Frank's apartment when the congressman was not at home?

10. To the best of your knowledge, did Mr. Gobie have access to, and use of, Representative Frank's automobile, when the congressman was not at home?

11. To the best of your knowledge, what was the nature of Mr. Gobie's profession or income earning activity? Please describe how and when you reached this conclusion, and whether (and why) your view changed over time.

12. Have you spoken or communicated with Representative Frank subsequent to the news reports regarding Mr. Gobie's activities at his apartment? If so, when and what was said?

13. When was the last time you spoke with or saw Mr. Gobie?

14. Do you recall an incident when you were on a ladder working outside Representative Frank's apartment and an individual asked you for information about where to interview for escort and modeling jobs? If so, please describe in detail when this occurred and what transpired.

15. Did you talk with Representative Frank about this matter?

16. Did you talk with Mr. Gobie about this matter?

The Committee would appreciate your sworn responses to the foregoing questions at your earliest convenience. To this end, we would request that you sign and date your responses, using the following language: "I declare under penalty of perjury that the foregoing is true and correct."

If you have any questions, please call collect Mr. Ralph L. Lotkin, the Committee's Chief Counsel, at (202) 225-7103.

Sincerely,

Julian C. Dixon
Chairman

John T. Myers
Ranking Minority Member

'JS:RLL

— APPENDIX A —

BARNEY FRANK
4TH DISTRICT, MASSACHUSETTS

COMMITTEES
GOVERNMENT OPERATIONS
BANKING, FINANCE AND URBAN AFFAIRS
JUDICIARY
CHAIRMAN
ADMINISTRATIVE LAW AND GOVERNMENTAL RELATIONS
AGING

Congress of the United States
House of Representatives
Washington, DC

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(617) 332-3920
10 PURCHASE STREET
FALL RIVER, MASSACHUSETTS 02722
(508) 674-3551
140 PARK STREET
ATTLEBORO, MASSACHUSETTS 02703
(508) 226-4723

August 28, 1989

The Honorable Julian C. Dixon
Chairman
Committee on Standards of
Official Conduct
Suite HT-2, The Capitol
Washington, DC 20515

Dear Mr. Chairman:

Questions have been raised about my employment of a personal assistant during a period between 1985-1987. I have publicly responded to these questions, and I have expressed regret for the mistaken judgement involved.

In order to ensure that the public record is clear, I hereby request that the Committee on Standards of Official Conduct conduct an investigation into these matters.

I intend to cooperate fully with the Committee on Standards of Official Conduct and ask that the Committee proceed with its deliberations in an expeditious manner.

Barney Frank

BARNEY FRANK

BF:pd

APPENDIX B

The following are responses to the the numbered questions in the letter concerning Congressman Barney Frank from the US House of Representatives, Committee on Standards of Offical Conduct, dated January 5, 1990.

1. I met Mr. Frank sometime in March 1983, when we moved into the house at 210 8th St., SE, Washington DC.

2. I understand Mr. Frank moved into the apartment sometime in 1981. He was renting the apartment when we purchased it in 1983.

3. We had a neighborly relationship in which we would talk about family, his physical training program, and I would call on him to help when my husband was out of town. He was helpful and friendly and was a good neighbor and tenant.

4. I remember meeting Mr. Gobie on the sidewalk in front of the house when he was entering the apartment. This was sometime in 1986. We asked Mr. Frank about this and he said that Mr. Gobie would be using the apartment when he was out of town.

5. Mr. Frank never discussed with me the nature of his relationship wtih Mr. Gobie. I believed he was a friend who was ocassionally using the apartment and looking after things when Mr. Frank was away on his frequent trips.

6. I have no knowledge of tasks performed for Mr. Frank by Mr. Gobie.

7. I have no knowledge of any compensation.

8. Mr. Frank never discussed with me the circumstances under which he came to know Mr. Gobie.

9. Yes, Mr. Gobie had access to Mr. Frank's apartment when Mr. Frank was not at home. We saw Mr. Gobie enter and exit the apartment often.

10. I have no direct knowledge of Mr. Gobie ever using Mr. Frank's car.

11. Prior to the summer of 1987, I had no knowledge nor interest in Mr. Gobie's profession or income. In the summer of 1987, I became concerned and suspicious of his activities as I observed comings and goings in the neighborhood during this short period. I did not want such goings on in our house. I do not have any proof as to what went on there. I certaintly did not see illegal activities and until the stories broke in the press in 1989, I only could guess. The activities made me suspicious and I reported them to Mr. Frank. I have no further knowledge because the activities were immediately terminated.

12. I told Mr. Frank that I did not want this woman around. The woman came to my home, suitcase in hand, asked for Steve and demanded to come in. I told her that Steve Gobie did not live here, she didn't believe me and would not leave. I told her that he did not live here, was not on the lease and was not here. She finally left. I had never seen the woman before in my life. I saw her on a later weekend, coming and going as if she lived there and I did not want her on my property. I called Mr. Frank and told him I did not want her around. I do not know if she ever stayed overnight. I did not see her again. When I called Mr. Frank, he apologized, and I never saw her again.

13. The comings and goings of many suspicious looking women brought me to such a conclusion. Although I still do not have to this day proof that illegal activites were taking place, I became wary of such appearances in our neigborhood. Yes, I came to the personal belief that apparent prostitution was going on, and therefore contacted Mr. Frank to tell Mr. Gobie to get out.

14. I have never had any indications other that the that above of any of Mr. Gobie's activities.

15. I never discussed any issues of substance with Mr. Gobie but only said hello if we passed in the street.

16. I did not know of any relationships that Mr. Gobie might had had in the apartment. If his conduct did not intrude in our lives, he was but a person who was a friend of Barney's who sometimes lived in the apartment below.

17. I called Barney on vacation and said, "Something is going on in the apartment. All these women coming and going; it looks like a hooker ring. I want Steve out and don't want him to set foot on my property again. As soon as we hang up, I'm having the locks changed." A long silence. Barney said, "Thank you for calling me. I'm really sorry about this." Not as animated as usual, Barney was shocked! No emotion, with dull monotone, he said, "I'm sorry." I said, "I'm afraid of Steve." Barney said, "Don't worry, I'll make sure he never comes back on the property." Barney said something like (but I can't recall for sure) that he knew Steve had had some problems in the past but he thought he was through with that. I did not pursue this any further because Barney was so upset.

18. NONE of the activities described above ocurred when Mr. Frank was in the apartment.

19. I have spoken with Mr. Frank since the news broke regarding Mr. Gobie. We have spoken on two or three occasions on the telephone.

The first time he called to tell us what had happened. I had already heard on the news, was flabergasted and was mad because of the obvious lies that Mr. Gobie was telling. I knew that Mr. Frank WAS NOT involved and Gobie was painting a false picture.

The second conversation was to tell me that I could talk to the reporters (since I had received a number of calls and refused). I told Mr. Frank that I would help him set the record straight because I knew that Gobie was lying.

The third call was to tell me who his attorney was and that it was alright for me to talk to him.

20. I last saw Mr. Gobie on the weekend before I talked to Mr. Frank about getting rid of him.

I declare under penalty of perjury that the foregoing is true and correct.

Mary Jo Daugherty Mary Jo Daugherty Sworn before me this 18th day of January 1990 at Yongsan, Seoul So. Korea. Power of a Notary 10 USC 936. Douglas A. Franklin

APPENDIX C

The following are the responses to the numbered questions about Congressman Barney Frank contained in the U.S. House of Representatives letter, Committee on Standards of Official Conduct, dated January 5, 1990.

1. I met Mr. Frank sometime in March 1983, after we moved into the house at 210 8th Street, SE, Washington DC.

2. I understand he began renting the apartment sometime in 1981. He was in the apartment when we purchased the house in 1983.

3. I have had no social relationship with Mr. Frank; my only contact with him was as a neighbor and tenant.

4. I met Mr. Stephen Gobie sometime in 1986. We saw him using the apartment and asked Mr. Frank about it. He said Mr. Gobie would be staying there sometimes when he was gone.

5. I was never told of Mr. Frank's relationship with Mr. Gobie. It was not my business and the subject never came up.

6. I have no idea if Mr. Gobie performed any tasks for Mr. Frank.

7. I do not know.

8. Mr. Frank never discussed with me how he met Mr. Gobie.

9. Yes, Mr. Gobie did use Mr. Frank's apartment when Mr. Frank was not home. I saw him enter and exit the apartment often.

10. I do recall Mr. Gobie using Mr. Frank's car on one occasion when he was going to the airport to pick up Mr. Frank from a trip.

11. I have no idea how Mr. Gobie earned his income. It did not concern me, I did not inquire, and didn't care about it at all.

12. Mr. Frank called our house in Korea. I answered the phone, He said, "Jim, I'm sorry about all of this." I said, OK, Barney, I'm running late. Here is Mary Jo."

13. I last saw Mr. Gobie in the summer of 1987; I recall seeing him leave the apartment one weekend while I was carrying wood.

14. I have absolutely no recollection of this ladder incident that someone has brought up. I have searched my mind to recall, have asked my wife if I had ever mentioned it to her. We come up totally blank. It could not have ocurred.

15. The matter did not occur so I did not discuss it.

16. The matter did not occur so I did not discuss it.

I declare under penalty of perjury that the foregoing is true and correct.

DOUGLAS P FRANKLIN

James R. Daugherty Lynn Law Div.

16 JAN 90 Power of a Notary Pursuant to 10 USC 936
16 January 1990.

APPENDIX D

DECLARATION OF MARY JO DAUGHERTY

Mary Jo Daugherty hereby declares and states as follows: I currently reside in Seoul, Korea with my husband, Colonel James R. Daugherty, who is commanding officer of the U.S. Army's 8th Personnel Command.

From early in 1983 until the summer of 1988, my husband and I lived in a home that we own at 210 8th Street, S.E. on Capitol Hill in Washington, D.C. Congressman Barney Frank has been our tenant since we bought the house and has occupied the basement apartment.

Approximately three or four years ago a young man whom I came to know as Steve Gobie sometimes stayed in the apartment when the Congressman was not at home. I came to know Gobie as someone who did [illegible] jobs for the Congressman.

I can remember only one occasion prior to the spring/summer of 1987, on which I complained to Congressman Frank about a matter relating to Gobie's presence. That was when a young woman began staying with Gobie. I told the Congressman that I didn't want her around. I didn't see her after that.

Sometime in the summer of 1987, I became aware that a number of different women would visit Gobie and that, on one occasion, men whom I didn't recognize visited briefly and left. Until this type of activity began to occur, it never dawned on me that prostitution might be taking place. I am confident that this sort of activity was not taking place prior to this time because I

was in the house almost all of the time and would have observed it. When this activity commenced, I intensified my observation and became concerned that Gobie was acting improperly.

I called Congressman Frank and reported what I had observed. He seemed stunned. I never saw Gobie again.

None of the activities I have described occurred when Congressman Frank was present. It is my strong belief, based on my knowledge of both Congressman Frank and Mr. Gobie, that Gobie took advantage of Congressman Frank and had begun to misuse the apartment without Congressman Frank's knowledge or permission.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 25 day of October 1989.

Mary Jo Daugherty

Mary Jo Daugherty

APPENDIX E

BARNEY FRANK
4TH DISTRICT, MASSACHUSETTS

COMMITTEES:
GOVERNMENT OPERATIONS
CHAIRMAN
SUBCOMMITTEE ON
MANPOWER AND HOUSING
BANKING, FINANCE, AND
URBAN AFFAIRS
JUDICIARY
AGING

Congress of the United States
House of Representatives
Washington, D.C.

WASHINGTON OFFICE:
1317 LONGWORTH BUILDING
WASHINGTON, D.C. 20515
(202) 225-5931

DISTRICT OFFICES:
407 CHERRY STREET
WEST NEWTON, MASSACHUSETTS 02165
(617) 332-3920
(617) 235-0460

10 PLEASANT STREET
FALL RIVER, MASSACHUSETTS 02721
(617) 674-3551

5 NORTH MAIN STREET
ATTLEBORO, MASSACHUSETTS 02703
(617) 226-4713

September 5, 1985

Ms. Cheryl Johnston

Dear Ms. Johnston:

I am writing this letter to inform you that I have been employing Mr. Steve Gobie in my personal capacity for the past two months. Because my job requires me to maintain a residence and an automobile both in Washington and in Massachusetts, I find it important to have assistance in dealing with a wide variety of personal needs -- cleaning and maintenance of homes and cars; purchases of various sorts; and other household and personal matters which become difficult given my complex schedule and my constant travelling between Boston and D.C.

Mr. Gobie has been extremely valuable to me in helping with these matters. He is intelligent, personable and reliable, and it is important to me to know that someone of his ability and dependability is looking after some of these important tasks for me. When problems arise with my home or car or in some other way in Washington while I am in Massachusetts, it is important for me to have someone like Mr. Gobie on whom I can rely to tend to things. Since I do not believe it would be right for me to use my publicly funded Congressional staff for personal concerns, I hire people to do this sort of work out of my own funds.

I am aware that Mr. Gobie is on probation, and I hope that he can have permission from time to time to travel with me on speaking engagements out of town when it is important for me to have an assistant available to help with arrangements. I will be glad to respond to any further questions.

BARNEY FRANK

BF/pam

APPENDIX F

BARNEY FRANK
4TH DISTRICT, MASSACHUSETTS

COMMITTEES:
GOVERNMENT OPERATIONS
CHAIRMAN,
EMPLOYMENT AND HOUSING
BANKING, FINANCE, AND
URBAN AFFAIRS
JUDICIARY
AGING

Congress of the United States
House of Representatives
Washington, D.C.

WASHINGTON OFFICE
1030 LONGWORTH BUILDING
WASHINGTON, D.C. 20515
(202) 225-5931

DISTRICT OFFICES:
457 CHERRY STREET
WEST NEWTON, MASSACHUSETTS 02165
(617) 332-3920
(617) 332-1040

10 PURCHASE STREET
FALL RIVER, MASSACHUSETTS 02722
(617) 674-3551

5 NORTH MAIN STREET
ATTLEBORO, MASSACHUSETTS 02703
(617) 226-4723

March 10, 1986

Ms. Cheryl Johnson
Department of Probation

Dear Ms. Johnson:

This letter is to inform you that I continue to employ Steven Gobie out of non-governmental funds to assist me in my work in Washington. Mr. Gobie works with me on personal and political matters which should not be paid out of my office allowance.

Mr. Gobie serves as sort of an administrative assistant to me in dealing with the personal and political complexities of my work, which are greatly increased by the fact that I travel constantly between Washington and Massachusetts, must maintain two cars, two residences, etc.

I expect to increase the scope of Mr. Gobie's responsibilities this spring after he is no longer on probation. He has performed his duties for me in a first-rate manner. He has been reliable, imaginative and resourceful.

Barney Frank
BARNEY FRANK

BF/pam

APPENDIX G

BARNEY FRANK
4TH DISTRICT MASSACHUSETTS

COMMITTEES
GOVERNMENT OPERATIONS
CHAIRMAN
IL SUBCOMMITTEE ON
MANPOWER AND HOUSING
BANKING FINANCE AND
URBAN AFFAIRS
JUDICIARY
AGING

Congress of the United States
House of Representatives
Washington, D.C.

WASHINGTON OFFICE
1517 LONGWORTH BUILDING
WASHINGTON D C 20515
(202) 225-5931

DISTRICT OFFICES
537 CHERRY STREET
WEST NEWTON MASSACHUSETTS 02165
(617) 332-3920
(617) 223-1668

10 PURCHASE STREET
FALL RIVER MASSACHUSETTS 02721
(617) 674-3551

8 NORTH MAIN STREET
ATTLEBORO MASSACHUSETTS 02703
(617) 226-6723

September 2, 1986

Cheryl Johnston
Rrobation Department

Dear Ms. Johnston:

This is to inform you that I continue to employ Steve Gobie as a personal assistant.

Mr. Gobie is paid out of non-governmental funds to assist me in various ways in Washington D.C. as I described to you in my earlier letter.

Barney Frank

BARNEY FRANK

APPENDIX H

BARNEY FRANK
DISTRICT, MASSACHUSETTS

COMMITTEE
GOVERNMENT OPERATIONS
CHAIRMAN,
EMPLOYMENT AND HOUSING
BANKING, FINANCE, AND
URBAN AFFAIRS
JUDICIARY
AGING

Congress of the United States
House of Representatives
Washington, D.C.

December 16, 1986

WASHINGTON OFFICE:
2210 LONGWORTH BUILDING
WASHINGTON, D.C. 20515
(202) 225-5931

DISTRICT OFFICES:
427 CHERRY STREET
WEST NEWTON, MASSACHUSETTS 02165
(617) 332-3920
(617) 332-1660

10 PURCHASE STREET
FALL RIVER, MASSACHUSETTS 02720
(617) 674-3551

5 NORTH MAIN STREET
ATTLEBORO, MASSACHUSETTS 02703
(617) 226-4723

To Whom It May Concern:

This is to note that Stephen Gobie continues to work for me in a personal capacity in Washington. Mr. Gobie is not on my congressional payroll, but is paid by me personally for work which he does personally and politically for me in Washington. He performs a number of administrative duties, pertaining to my work and living in Washington. It is important to me to have someone who is available to me to take care of many matters for me in Washington during those extended periods when I am out of the city, and Mr. Gobie performs those functions for me.

BARNEY FRANK

BF/pam

APPENDIX I

BARNEY FRANK
6TH DISTRICT, MASSACHUSETTS

COMMITTEES
GOVERNMENT OPERATIONS
BANKING, FINANCE AND URBAN AFFAIRS
JUDICIARY

SUBCOMMITTEES
ADMINISTRATIVE LAW AND GOVERNMENTAL RELATIONS
AGING

Congress of the United States
House of Representatives
Washington, DC

WASHINGTON OFFICE
1038 LONGWORTH BUILDING
WASHINGTON, DC 20515
(202) 225-5931

DISTRICT OFFICES
437 CHERRY STREET
WEST NEWTON, MASSACHUSETTS 02165
(617) 332-3920

10 PLEASANT STREET
FALL RIVER, MASSACHUSETTS 02722
(508) 674-3551

60 PARK STREET
ATTLEBORO, MASSACHUSETTS 02703
(508) 226-4723

February 27, 1990

By Hand

The Honorable Julian C. Dixon,
Chairman
The Honorable John T. Myers,
Ranking Minority Member
Committee on Standards of Official Conduct
The United States House of Representatives
United States Capitol, Suite HT-2
Washington, D.C. 20515

Dear Colleagues:

I have reviewed once again the tickets issued with respect to my car in an effort to determine which parking tickets were appropriately waived and which were, or may have been, waived in error. Based on counsel's previous submissions and my interview on December 11, 1989, as well as more recent attempts to reconstruct the pertinent facts given the available records, I have reached the following conclusions:

A total of 67 tickets were issued with respect to my car between April 1, 1985, and December 31, 1987.1/ Of these 67 tickets, seven were not for parking violations and thus are of no interest in the present inquiry. In any event, I paid five of the seven and, as I recall, I successfully contested (without any invocation of my office) the other two as having been improperly issued.

1/ I note at the outset that eight of these tickets were issued after I terminated Steve Gobie as a personal assistant (in late August 1987) and returned from vacation in Massachusetts on September 2, 1987. Besides the one time that Gobie is reported to have used my car without permission (in late December 1987), during which no tickets were incurred, I am aware of no other instance in which Gobie used my car after September 2, 1987. To my knowledge, none of the eight tickets issued after September 2, 1987, was incurred by Gobie.

Of the remaining 60 parking tickets, 16 were definitely paid, as evidenced by the District of Columbia's records and my cancelled checks. My impression is that I paid more than 16 parking tickets, and additional cancelled checks not attributable to any of the 16 tend to confirm that impression. Indeed, my cancelled checks establish that I paid a total of $955 for 23 tickets during the period. As the District's records show only 16 parking tickets paid, however, I will accept the presumption that the other 44 parking tickets were waived.

I should point out that 18 of the 44 parking tickets waived (or presumably waived) were not waived at my request. Nevertheless, if any of these tickets should have been paid but were not, as seems to be the case with some, then I wish to assume responsibility for them, even if they were waived without my having asked.2/

With respect to each of the 44 parking tickets waived (or presumably waived), I have tried to assess the appropriateness of the waiver (or presumed waiver).3/ By my reckoning, 11 of the 44 tickets were appropriately waived inasmuch as they were issued while the car was being used for official business.4/ Twenty of the 44 appear to have been waived in error, for the car apparently was not being used for official business at the time that they were issued.

As for the remaining 13 tickets, I have not been able to determine the purposes for which the car was being used, and hence I am uncertain as to whether the subsequent waivers were appropriate. It is my firm belief that several of these tickets, e.g., those issued while the car was downtown during a business day, were actually incurred for official purposes. But because I am unable to state specifically what those purposes were, I am willing to resolve the ambiguity here against myself by treating these 13 as having been waived in error.

2/ The foregoing breakdown of the tickets is reflected in the charts attached hereto as Appendices A and B.

3/ My assessment in this regard is summarized in the chart attached hereto as Appendix C.

4/ My assessment of these 11 is further explained in the chart attached hereto as Appendix D.

Under this analysis, then, up to 33 tickets were waived when they should have been paid. As noted in earlier submissions to the Committee, I know of only nine tickets that were erroneously waived at my request. However, in order to rectify mistakes of the past in this regard, and lest I retain any benefit to which I am not entitled, I await and will abide by the Committee's direction with respect to tickets that were, or might possibly have been, waived in error. In fact, I have already taken substantial steps in this regard by not cashing a check for $290 that the District sent to me -- without any request by me or on my behalf and without any explanation -- constituting refunds for tickets I previously paid.

Sincerely yours,

Barney Frank

Attachments

cc: Stephen H. Sachs, Esq.

APPENDIX A

ALL TICKETS -- BY CATEGORY

All Tickets	67	
Not Parking	-7	
Parking Tickets	60	
Definitely Paid	-16	
Tickets Waived or Presumably Waived		44
Waived, Upon Request		-26
Waived or Presumably Waived, Without Request		18
Waived, Without Request		-7
Presumably Waived, Without Request		11

APPENDIX B

ALL TICKETS - BY TICKET

Item	Ticket No.	Date	Category
1	631219993	5/7/85	not parking
2	830534176	5/15/85	not parking
3	834953730	8/30/85	definitely paid
4	834231230	11/8/85	presumably waived, without request
5	637541612	11/22/85	waived, upon request
6	840127890	11/26/85	waived, upon request
7	638091031	12/7/85	presumably waived, without request
8	841308193	12/21/85	waived, upon request
9	638284264	12/23/85	waived, upon request
10	841972434	1/6/86	waived, without request
11	842124802	1/12/86	waived, without request
12	638999060	1/13/86	waived, without request
13	837099513	2/4/86	waived, upon request
14	639734491	2/10/86	definitely paid
15	839803425	2/11/86	definitely paid
16	639652812	2/18/86	waived, upon request
17	837112684	3/6/86	waived, upon request
18	837645362	3/12/86	waived, upon request
19	641174052	3/31/86	waived, upon request

20	832979534	4/16/86	waived, upon request
21	642416983	4/29/86	waived, upon request
22	841358711	5/4/86	waived, upon request
23	838366443	5/28/86	waived, upon request
24	836158702	6/16/86	definitely paid
25	644524064	6/30/86	definitely paid
26	837247994	7/15/86	waived, upon request
27	837283226	7/21/86	waived, upon request
28	649079163	11/19/86	waived, without request
29	649341243	11/28/86	waived, upon request
30	649383081	12/3/86	presumably waived, without request
31	843779834	12/6/86	waived, upon request
32	650273444	1/2/87	waived, upon request
33	650340471	1/13/87	definitely paid
34	655106292	3/20/87	presumably waived, without request
35	843972533	4/7/87	presumably waived, without request
36	844432890	4/11/87	waived, upon request
37	846499010	4/13/87	waived, without request
38	851575056	4/16/87	waived, without request
39	655290554	4/17/87 11:16am	waived, without request
40	847111790	4/17/87 5:22pm	waived, upon request
41	656155032	4/21/87	not parking

42	838325725	5/12/87	presumably waived, without request
43	652884945	5/22/87	waived, upon request
44	653463252	6/9/87	waived, upon request
45	656402261	6/29/87	waived, upon request
46	656646056	7/7/87	waived, upon request
47	656967625	7/20/87	definitely paid
48	657596015	8/3/87	definitely paid
49	658004944	8/10/87	definitely paid
50	657962982	8/11/87	definitely paid
51	658041952	8/13/87	presumably waived, without request
52	658323621	8/20/87 8:00am	definitely paid
53	658086085	8/20/87 2:30pm	presumably waived, without request
54	860540262	8/24/87	definitely paid
55	658380192	8/25/87 1:15pm	definitely paid
56	658380181	8/25/87 1:15pm	not parking
57	658408122	8/27/87	definitely paid
58	658514570	9/1/87 3:08pm	presumably waived, without request
59	658514603	9/1/87 3:11pm	presumably waived, without request
60	861017091	9/4/87	waived, upon request
61	659212680	9/9/87 5:33pm	not parking
62	659212691	9/9/87 5:35pm	waived, upon request

659476591	9/18/87 9:51am	presumably waived, without request
659476602	9/18/87 9:52am	not parking
660344812	10/10/87 2:28pm	not parking
660344823	10/10/87 2:30pm	definitely paid
863358101	12/6/87	definitely paid

APPENDIX C

PARKING TICKETS WAIVED OR PRESUMABLY WAIVED

Item	Ticket No.	Date	Waiver
4	834231230	11/8/85	appropriate
5	637541612	11/22/85	apparent error
6	840127890	11/26/85	apparent error
7	638091031	12/7/85	appropriate
8	841308193	12/21/85	apparent error
9	638284264	12/23/85	apparent error
10	841972434	1/6/86	apparent error
11	842124802	1/12/86	apparent error
12	638999060	1/13/86	apparent error
13	837099513	2/4/86	appropriate
16	639652812	2/18/86	appropriate
17	837112684	3/6/86	appropriate
18	837645362	3/12/86	uncertain, possible error
19	641174052	3/31/86	apparent error
20	832979534	4/16/86	uncertain, possible error
21	642416983	4/29/86	uncertain, possible error
22	841358711	5/4/86	uncertain, possible error
23	838366443	5/28/86	apparent error
26	837247994	7/15/86	appropriate
27	837283226	7/21/86	uncertain, possible error

28	649079163	11/19/86	apparent error
29	649341243	11/28/86	apparent error
30	649383081	12/3/86	apparent error
31	843779834	12/6/86	apparent error
32	650273444	1/2/87	uncertain, possible error
34	655106292	3/20/87	appropriate
35	843972533	4/7/87	appropriate
36	844432890	4/11/87	uncertain, possible error
37	846499010	4/13/87	uncertain, possible error
38	851575056	4/16/87	apparent error
39	655290554	4/17/87 11:16am	apparent error
40	847111790	4/17/87 5:22pm	apparent error
42	838325725	5/12/87	uncertain, possible error
43	652884945	5/22/87	appropriate
44	653463252	6/9/87	appropriate
45	656402261	6/29/87	appropriate
46	656646056	7/7/87	uncertain, possible error
51	658041952	8/13/87	apparent error
53	658086085	8/20/87 2:30pm	apparent error
58	658514570	9/1/87 3:08pm	apparent error
59	658514603	9/1/87 3:11pm	apparent error
60	861017091	9/4/87	uncertain, possible error

62	659212691	9/9/87 5:35pm	uncertain, possible error
63	659476591	9/18/87 9:51am	uncertain, possible error

Appropriate:	11
Uncertain, possible error:	13
Apparent error:	20

APPENDIX D

PARKING TICKETS APPROPRIATELY WAIVED

Item	Ticket No.	Date	Official
4	834231230	11/8/85	while the Congressman was delivering a speech to the American Corporate Counsel Association at the Omni Shoreham Hotel
7	638091031	12/7/85	while the Congressman was presiding over an Americans for Democratic Action board meeting at the Washington Plaza Hotel
13	837099513	2/4/86	See 12/11/89 Interview.
16	639652812	2/18/86	See 12/11/89 Interview.
17	837112684	3/6/86	See 12/11/89 Interview.
26	837247994	7/15/86	See 12/11/89 Interview.
34	655106292	3/20/87	while the Congressman was delivering a speech to the Georgetown University School of Nursing at the Hyatt Hotel
35	843972533	4/7/87	when the Congressman made a stop between a Democratic Caucus Housing Subcommittee meeting and an immigration reform legislation issues forum
43	652884945	5/22/87	See 12/11/89 Interview.
44	653463252	6/9/87	See 12/11/89 Interview.
45	656402261	6/29/87	See 12/11/89 Interview.

APPENDIX J

BARNEY FRANK
4TH DISTRICT, MASSACHUSETTS

COMMITTEES
GOVERNMENT OPERATIONS
CHAIRMAN
SUBCOMMITTEE ON [illegible] AND HOUSING
BANKING, FINANCE AND
URBAN AFFAIRS
JUDICIARY
AGING

Congress of the United States
House of Representatives
Washington, D.C.

WASHINGTON OFFICE
1030 LONGWORTH BUILDING
WASHINGTON, D.C. 20515
(202) 225-5931

DISTRICT OFFICES
437 CHERRY STREET
WEST NEWTON, MASSACHUSETTS [illegible]
(617) 332-3920
(617) [illegible]

10 PURCHASE STREET
FALL RIVER, MASSACHUSETTS 02722
(617) 674-3551

8 NORTH MAIN STREET
ATTLEBORO, MASSACHUSETTS 02703
(617) 226-4723

MEMORANDUM

APRIL 16, 1986

TO: /_Deleted_7
FR: Barney Frank

The case I have spoken to you about involving a probation decision deals with a man named Stephen Gobie. He had intercourse with a female aged 15 years and 10 months in December of 1981. The sexual relations were consenting.

In January, 1982 he was arrested and charged with contributing to the deliquency of a minor and was sentenced to three days in jail. He served those three days and was told by the detective in charge to call each week to find out about additional charges. In April 1982 he was charged with sodomy, possession of pornographic materials involving a juvenile (five poloroid snapshots of the woman in question) and possession of cocaine (residue was found on a piece of paper). He was convicted on all counts and sentenced to four years in jail, with all but four months to spend it, and three years probation plus court costs. He served three months in Alexandria City Jail -- getting time off for good behavior and trustee work. He has for nearly the past three years been on closely supervised probation. His probation is due to expire on May 7th. He was recently told by his probation officer that she's going to recommend that he continue probation.

I think it would be a very grave error. I got to know Steve about two years ago, meeting him through mutual friends. I was aware soon after we met that he was on probation, because it weighs heavily on him. He is a very bright, outgoing and decent guy, he did something he shouldn't have done, and was properly sentenced for it. But I do not think it would serve any purpose to continue his probation -- in fact, it would almost certainly have a very negative effect on him.

He is a hardworking and decent guy. In fact, I've hired him part time to help me cope with the problems of having a second home in Washington -- house, car, etc. He serves as kind of an administrative assistant. I obviously would not have hired him if I didn't have a great deal of confidence in his integrity and ability, and that has been wholly repaid.

He did screw up in one area regarding the probation. apparently, urine testing has found marijuana in his system on several occasions, although I believe that has happened less recently. On the other hand, his probation officer, Cheryl Johnston, sent him to a psychologist at the Human Sexuality Institute named Lois Valladares, to counsel him since his offense was a sexual one. I have

spoken to Lois Valladares and she very much disagrees with the recommendation that his probation be extended. She believes that he is not suffering from any sexual disorders or malfunctions that would in any way lead him to misbehave sexually, and while she expressed to me her admiration for Cheryl Johnston, and her regret that Steve Gobie and Cheryl Johnston appear to have irritated each other some in their personal relations, she emphasizes that as the official psychologist to whom Steve Gobie was referred by the Probation Department, she believes he ought not to be required to continue probation.

I'm attaching a copy of a letter which was also sent to me by another friend of Steve's who has met him and thinks highly of him as you will see in the memorandum.

Steve Gobie is a very bright guy who, as I said, did something he shouldn't have done, and was sentenced for it. I think he is a lot brighter than the usual probation recipient and he found closely supervised probation to be more irritating to him than he should've shown. Thus, I think he has had somewhat difficult personal relations with his probation officer. But I do know that he has been scrupulous about meeting his probation requirements.

He has already served 93 days in jail and had three years of probation because of this offense. At the direction of his probation office, he has reported the nature of his offense and his probation to a couple of employers, and lost jobs as a result. As the probation period comes to what was supposed to be its close, he is anguished at the thought of continuing this supervision. I have no doubt whatever that if he is allowed to complete his original term and regain his full freedom he will be a constructive and useful citizen. I worry that an extended probation will cause problems -- not that it would any way lead him to commit any more crimes, because I do not think that is likely, and he was never a violent or abusive person at all in the first place. But I think it will leave him somewhat depressed and a good deal less functional as a citizen than he would otherwise be.

I've attached a statement that Steve wrote up about this issue. I think it's a pretty good representation of the kind of person he is.

○

/Attachments Deleted/